MUNICIPAL ELECTIONS HANDBOOK

2000

NOVA SCOTIA
Housing and Municipal Affairs

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FOREWORD

This is the tenth edition of the Municipal Elections Handbook. The handbook was first released following the passage in 1979 of the *Municipal Elections Act*, which is the statute now governing all municipal and school board elections.

The handbook is intended to assist election officers, candidates, campaign workers and others involved in the process to understand the required procedure and conduct an election that is fair and efficient. Of course, the *Municipal Elections Act* must be followed for official reference if there is any conflict between it and the handbook.

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MUNICIPAL ELECTIONS HANDBOOK

Introduction

This handbook has been prepared primarily to assist municipal returning officers, and it may be helpful to others involved in municipal and school board elections in understanding municipal election procedures. Mayors, councillors, and school board members are elected on the same day for four year terms. The election procedure is governed by the *Municipal Elections Act* and the *Education Act*.

This handbook explains some parts of the legislation and makes practical suggestions for procedures to be followed. Instructions for enumerators are in Appendix "A". Instructions for deputy returning officers and poll clerks are in Appendix "B". Instructions for campaign contributions disclosure are found in Appendix "J". Numbers shown in square brackets are references to section numbers in the *Municipal Elections Act*. References to forms are references to the forms prescribed pursuant to the *Municipal Elections Act*. The information in the Appendices is intended to help returning officers in training their election personnel. Certainly, returning officers can develop their own training programs for their municipalities.

The reader is cautioned that preparation of a handbook containing practical suggestions must necessarily involve interpretation of legislation as it applies in general situations. Specific situations may require careful legal analysis and therefore reference should be made to the *Municipal Elections Act*, to the *Education Act* and to municipal or school board solicitors or lawyers in private practice as circumstances require.

Materials Issued by the Department of Housing and Municipal Affairs

The Department of Housing and Municipal Affairs makes available the following publications respecting municipal elections:

1. Municipal Elections Handbook
2. A Calendar Guide to Municipal Elections (for regular elections)
3. A Candidate's Guide to Municipal Elections

Copies of these publications, as well as the *Municipal Elections Act*, are available from the Nova Scotia Government Book Store, One Government Place, P.O. Box 637, Halifax, Nova Scotia, B3J 2T3, Phone (902) 424-7580 or Toll Free: (800) 526-6576, Fax: (902) 424-8425 or E-Mail: bookstore@gov.ns.ca.

Municipal Elections Officer

The *Municipal Elections Act* provides for the appointment of a provincial public servant as the Municipal Elections Officer [*S.5*]. The Municipal Elections Officer can be contacted through the provincial Elections Office (1-800-565-1504) or 424-8584, or through the Department of Housing and Municipal Affairs. The Municipal Elections Officer's duties are:

(a) to issue to returning officers such instructions as he or she may deem necessary to assist in the effective execution of the *Municipal Elections Act*;

(b) to perform such other duties as are prescribed by or under the *Municipal Elections Act*.

LOCAL ELECTED OFFICES

At a municipal general election, electors are being asked to elect not only their council members, but also their school board representatives. If the council so directs, a plebiscite question can be put before the voters at the same time as the other offices are being elected.

The following ballots may be cast during a municipal general election:

1. **Mayor,** in towns and regional municipalities, and in any county or district municipalities that adopt a mayoralty system.

2. **Councillors,** in all municipalities.

    - Councillors are elected **at large** in some towns, which means that there are no wards or polling districts. Each voter has a vote for all council members, and the names of all candidates appear on one ballot. The elector chooses the candidates that he or she wishes to be on the council, up to a maximum of the number of councillors authorized for the town.

    - Councillors in all other municipalities are elected to represent a polling district. **One councillor** is elected for each polling district, in a county or district municipality and regional municipality. There is a separate election in each polling district. **Two councillors** are elected in some town polling districts.

3. **Regional or District School Board District Member,** in all municipalities. The Province is divided into seven regional or district school board areas. The members of a school board represent individual "electoral districts", which make up the regional or district school board's jurisdiction. With one exception, one school board member is elected from each district. Each electoral district for a school board is likely to contain more than one municipal polling district, and many contain polling districts from more than one municipality. For example, Polling Districts 1,2, 10 and 12 of the Municipality of the County of Annapolis and the Town of Middleton together make up Electoral District 1 of the Annapolis Valley Regional School Board.

4. **African Nova Scotian Member of the Regional or District School Board**, in all municipalities. Each regional or district school board (but not CSAP) will have an additional member whose mandate it is to represent African Nova Scotians on the school board. This member is to be elected at large in the school region or school district. Taking the example of the Annapolis Valley Regional School Board again, electors in all 13 municipalities that are within that school region would vote for the same candidates for the African Nova Scotian member of the board.

5. **Member(s) of the Conseil scolaire acadien provincial (CSAP)**, in all municipalities. The CSAP is the French-first-language school board, and has jurisdiction throughout the Province. Every municipality is in one of eight electoral districts for CSAP. Either one, two or three members are to be elected from each electoral district of CSAP, depending on the district. Taking the example of Annapolis County and Middleton again, both of these municipalities are in the Greenwood District of CSAP, along with 15 other municipalities. Voters in all 17 municipalities vote for the same CSAP candidates.

6. **Plebiscite.** A council can decide, prior to the election, that the municipality should seek the opinion or approval of the electorate on a particular issue. Council would approve the question to be put on the ballot, and the plebiscite vote would be held at the same time as the voting for the elected offices.

Note the three terms that are used in the description of these offices: "polling district," "polling division", and "electoral district". It is important to understand the meaning of the terms when looking at the *Municipal Elections Act*. All are defined in the *Act:*

> **"polling district"** includes a ward or a town that is not divided into wards.
>
> **"polling division"** means one of the parts into which a polling district is divided for the purpose of better taking the vote.
>
> **"electoral district"** means the area from which a school board member is to be elected, where the area contains more than one municipality.

Returning officers should also be aware of the definition of "electoral district" in the *Education Act,* which defines it as being "a district for the election of a member of a school board". Remember that the term "school board" in this context includes both the regional or district school board and CSAP.

PREPARATION FOR THE ELECTION

Appointment of Municipal Returning Officer

The council of the municipality appoints the person to act as returning officer for a regular or special election. The returning officer exercises the general direction and supervision over the administrative conduct of the election, appoints and instructs other election officers, and performs other duties set out in the *Municipal Elections Act*. Council may also appoint an assistant returning officer to assist the returning officer and act in the returning officer's absence. Once appointed, the returning officer does not need to be reappointed prior to each election unless his or her appointment was only for a fixed term.

Before commencing his or her duties, both the returning officer and the assistant returning officer have to take the oath of office, in Form 1.

Returning Officer for School Board Elections

Section 48 of the *Education Act* places the responsibility for the election of school board members on the municipal returning officers. Where an electoral district for a school board includes more than one municipality, Section 5 of the *Municipal Elections Act* provides that the municipalities within the electoral district must designate one of their returning officers to be the returning officer for the school board election in that electoral district. These same provisions apply to the election of the members for CSAP and for the African Nova Scotian member of the school board. One of the municipal returning officers within each CSAP district or district for the election of an African Nova Scotian member must act as the returning officer for that district for the CSAP election.

An exception to this provision is that, if there is a special election for a vacancy on a school board, then the school board has the option of conducting the election itself. Approval of the Minister of Education is required.

The *Municipal Elections Act* does not specify how the municipalities within the school board electoral district decide which of the returning officers in the district is to administer the school board election. It may simply be an agreement between the affected returning officers. Depending on the arrangement under which the returning officer is appointed, he or she may have to seek the approval of the administrator of the municipality or of council prior to undertaking these responsibilities. If no municipal returning officer agrees to take on the responsibility for acting as returning officer for the school board, then the *Municipal Elections Act* provides that the Minister of Housing and Municipal Affairs will designate one of the returning officers in the electoral district to take on these responsibilities.

The responsibilities of the returning officer for the election of school board members in an electoral district (including CSAP and the African Nova Scotian member) are:

- to take the nomination papers of the school board candidates;
- to get the ballots printed and see that they reach the appropriate municipal returning officers for inclusion in the supplies for the appropriate polling stations;
- to arrange for the counting of school board ballots from polls where fewer than 10 electors voted for school board;
- to conduct the official addition of the votes for the school board candidate(s);
- to decide on the disposition of the deposit for school board candidates.

Specific details on the requirements of school board elections, including CSAP, are detailed separately in this handbook. Returning officers are advised to ensure that decisions respecting the responsibility for the election of school board members are addressed early in the election year so that the proper planning can occur. There may be some additional costs in carrying out the school board election, and the recovery of these costs is discussed on pp. 7-8.

Election Supplies

Each municipality is responsible for providing its own election materials and supplies, including forms, voting compartments and ballot boxes. Where quantities allow, municipalities routinely print their own materials. Other municipalities obtain forms and materials from suppliers in the province. It is important for each returning officer to judge the number of necessary poll supplies from the number of polling stations to be established.

Supplies for the CSAP Election

A number of the forms for use in the CSAP election have been translated into French. Returning officers should ensure that forms in both French and English are available for use at the polling stations where CSAP elections are taking place. Note that the forms may be completed and filed in either English or French.

Ballot Boxes

A minimum of one ballot box is required for each polling station in the municipality. Returning officers have the choice of putting all the ballots in one box, and then separating them when they are counted, or having a separate ballot box for each office to be elected. The decision on which route to go may be influenced by the number of voters in each polling division. Returning officers would also have the choice of supplying a busy polling station with more than one ballot box. If the first box gets filled, then it can be replaced by a second and/or subsequent boxes [S.95].

Ballot boxes must be of a uniform size and shape, made of durable material, and be furnished with seals. The slit at the top must be sufficiently narrow so that ballots can be deposited in it, but cannot be removed from it without unsealing the box [ss.64(2)].

Identification Badges for Poll Workers

The returning officer may prescribe and supply a badge or other form of identification for all election officers and agents who are to be in the polling station [ss.69(2)]. No badge for an agent, however, shall indicate for which candidate a person is acting as an agent.

Polling Divisions

For the convenience of taking the vote, polling districts may be divided into polling divisions. The term "polling district" is defined in clause 2(1)(x) of the *Municipal Elections Act* as including a ward, or a town which is not divided into wards. The expression "polling division" is defined in clause 2(1)(y) of the *Municipal Elections Act* to mean one of the parts into which a polling district is divided for the purpose of better taking the vote.

One of the first duties of a returning officer is to decide how many polling divisions are necessary in each polling district in the municipality. These divisions should be decided by the end of March, 2000 [S.9]. Section 9 of the *Municipal Elections Act* sets out criteria for the establishment of polling divisions, including the fact that each should contain about 700 electors. Numbers will vary depending on geographic and other factors which may affect the convenient conduct of the election. Past practice and voting habits of persons in the municipality should be considered in making these decisions, as well as cost. More polling divisions mean that more polling stations have to be set up and paid for. If the council opts to use a list of electors from another jurisdiction (either the federal or provincial list of electors), the polling divisions used by that jurisdiction may also affect the returning officer's decision on the definition of the municipal polling divisions.

The *Act* also permits the establishment of so-called "oversize" polling divisions, if this option if more convenient. In that case, the voting would take place at a central location, containing a number of polling stations, and the list of electors would have to be divided to allow for no more than 700 voters at each polling station location.

Section 9 of the *Municipal Elections Act* also requires that a returning officer establish a separate polling division in each home for the aged approved and each nursing home licensed under the *Homes for Special Care Act*, as long as 10 or more electors reside there. A current list of these facilities is found in Appendix "F".

Polling division boundaries should be described in ordinary language which can be understood by enumerators and others who will have reason to be familiar with those boundaries. The use of a metes and bounds description prepared by a lawyer or a surveyor is not necessary. Some municipal units may have maps of their polling divisions, which are particularly useful if there is to be an enumeration.

Tariff of Fees and Election Expenses

Section 139 of the *Municipal Elections Act* allows council to set a tariff of fees and expenses for the costs of the election in the municipality. There is a model Tariff in Appendix "I" of the Handbook. The items usually governed by the Tariff are the stipends to be paid to individuals who are going to be working during the election, such as enumerators and poll workers, or staff to assist the returning officer. If council wants administrative arrangements which are different than those in place for all municipal employees, then these arrangements could be stipulated in the Tariff. An example might be how mileage claims are to be submitted.

The returning officer may also be asked to estimate the cost of the election for the municipality for budgetary purposes. Included would be supplies, personnel, the cost of the list of electors (preparation and revisions), training costs, and the rental of premises for polling stations or other purposes.

Costs of the School Board Elections

Remember that the additional costs incurred by a municipality for a school board election can be claimed from the school board, so good records should be kept of these expenses. Subsection 48(4) of the *Education Act* provides that "any additional cost incurred by a municipality from the inclusion of the election of members of a school board with the regular municipal elections may be recovered by the municipality from the school board for which the cost was incurred". The legislation does not provide for the sharing of costs. Examples of additional costs would be:

- if there is an acclamation for council, which means that there would be no council election in a district, but an election is required for school board, polling expenses;
- printing of the school board ballots;
- advertising for school board candidates;

- cost of transporting of ballots if there are fewer than 10 votes for school board at a particular polling station, or
- any additional stipend that must be paid to a returning officer to act as the returning officer for a school board.

There may be additional costs specific to CSAP or the African Nova Scotian election, such as expenses for printing additional forms.

Under subsection 48(5) of the *Education Act*, any dispute between a municipality and a school board over the amount to be recovered shall be submitted to the Minister of Education, who must consult with the Minister of Housing and Municipal Affairs or his or her designate, prior to making a decision about the dispute. The Minister of Education's decision is final.

Setting of Dates for the Advance Polls

The mandatory advance poll will be on Tuesday, October 17th, 2000. Councils must have a second advance poll day, but have a choice of Thursday, October 12th, or Saturday, October 14th [ss.114(4)]. Council must select the date by resolution.

PREPARATION OF THE PRELIMINARY LIST OF ELECTORS

The first major task that the returning officer must undertake is the preparation of the list of electors for the municipality. A separate list of electors is prepared for each polling division in the municipality.

Content of the Preliminary List of Electors

The list of electors must show the name and address of each voter. Unless the municipality wishes to mail voter information, only the civic address of the voter needs to be included on the list. Each voter on the list must also be consecutively numbered.

Registrar of Voters

On the recommendation of the returning officer, the council may appoint a registrar of voters to oversee the conduct of an enumeration and generally to assist the returning officer in the preparation of the preliminary list of electors. Such an appointment should be made on or before the first day of May in a regular election year [S.22]. If council does not appoint a registrar of voters then the returning officer carries out the duties. If a registrar of voters is appointed, then that individual must meet the qualifications in Section 8 of the *Municipal Elections Act*, and take the Oath in Form 4 prior to commencing work.

Options for Preparation of the Preliminary List of Electors

There are three choices available for the production of a preliminary list of electors:

- **Enumeration of the electors**. An enumeration requires a door-to-door canvass of the residents of the municipality to get the names of eligible electors. The returning officer would normally appoint either one or two enumerators for each polling division. The enumerators put the names that they have enumerated onto "index sheets", which are then given to the returning officer. The returning officer then arranges for the list of electors to be printed.

- **Use of an extract from the National Register of Electors (NROE).** The Chief Electoral Officer of Canada has agreed to provide to municipalities the extracts from the National Voter Registry which contain the voters in the municipality. The extract from the NROE contains names, civic addresses, and mailing addresses of the electors, and is organized by federal polling divisions. It is updated twice yearly from data from the Nova Scotia Registry of Motor Vehicles, from the Vital Statistics Registry, and from Revenue Canada. The release that would be used would be the one from April, 2000.

- **Use of the List of Electors from the provincial general election, July, 1999.** The Legislature has authorized the use of this list of electors for the municipalities that want to use it. The list was prepared from the provincial enumeration, with revisions, during the month of July, 1999.

In evaluating these options, council and the returning officer will have to decide what works best in their particular situation. An enumeration will produce the most up-to-date list, and it will be based on the polling divisions in the municipality. The use of a list from another level of government will not be as up-to-date, which could require more costs in revising the list, and the data will have to be moved from the federal or provincial polls into the municipality's polling divisions. Although the use of a list from another jurisdiction will relieve the municipality of the cost of the enumeration, these savings must be balanced against any costs of manipulating the geographic information and of more intensive revision. Public opinion about whether an enumeration should be conducted, as well as potential difficulties in carrying out the door-to-door canvass, may also factor in council's decision.

The preliminary list of electors must be completed by July 31st, 2000. The revised list of electors must be produced by August 31st, 2000.

Enumeration

If there is to be an enumeration, it must be completed by June 10th, 2000. (S.23 of the *Municipal Elections Act).* Either one or two enumerators must be appointed for each polling division. The responsibility of the returning officer is to appoint and train the enumerators, and to ensure that they have adequate supplies to do their work. He or she must supervise their work, and make sure that they are covering their respective polling divisions. If the municipality has civic address information for the polling divisions, reference to this information will assist the returning officer in judging the adequacy of the work of the enumerators.

The returning officer also has to arrange for the transcription of the information from the enumerators' index sheets to the printing of a preliminary list of electors. This task could be handled by staff of the municipality, or by casual staff hired by the municipality or returning officer for that purpose. A private firm could also be contracted to transcribe the information. Whether the transcription is done by typing or by computer program is up to the municipal unit. The returning officer can choose which method works best for voting in his or her municipality.

More specific details on the conduct of an enumeration are found in Appendix "A".

Use of a List of Electors from Elections Canada or Elections Nova Scotia

In both these cases, municipal clerks or returning officers must contact the Chief Electoral Officer of Nova Scotia, at 1-800-565-1504, 424-8584, or e-mail at **willwert@gov.ns.ca.** Those responsible for the data will have to enter into confidentiality agreements to protect the information.

The most difficult part of using the list of electors from another jurisdiction is that the polling divisions of the federal and provincial electoral authorities most likely do not match the polling divisions used for municipal elections, and indeed, they may not even respect the municipal boundaries. This means that the returning officer must decide how these differences are to be reconciled so that a list of electors can be produced on the municipality's "electoral geography", and plan for staff and resources accordingly.

The list of electors from another jurisdiction will also be presented either geographically or alphabetically, depending on the needs of the jurisdiction which produced it, and may have to be adjusted by the municipality.

Remember, S.30 of the *Municipal Elections Act* requires that Council must authorize the use of a federal or provincial list, by resolution.

QUALIFICATIONS OF ELECTORS

Qualifications of Municipal Electors

Section 14 of the *Municipal Elections Act* provides that a person is entitled to be registered on the list of electors and to vote who:

(a) is of the full age of 18 years on ordinary polling day;

(b) is a Canadian citizen on ordinary polling day; and

(c) has been ordinarily resident in the municipality or in an area annexed to the municipality for a period of three months immediately preceding ordinary polling day and who continues to so reside.

The term **"ordinarily resident"** is defined in Section 16 of the *Municipal Elections Act*. It states that a person's "ordinary residence" is, for a married person, where his or her family lives and sleeps, and to which, when away the person intends to return, or if the person is living apart from his or her family with the intent to remain apart from it, or if the person is unmarried, then where the person usually lives and sleeps, and to which, when away the person intends to return, regardless of where he or she takes meals or is employed.

Unmarried students who have a family home in the Province are deemed to be ordinarily resident where that home is. Students who do not have a family home in the Province must meet the requirements to vote that apply to all other voters in the Province.

A "landed immigrant" is not eligible to vote. Material given to potential new citizens has indicated that they may be entitled to vote in municipal elections in some provinces. This is not the case in Nova Scotia. There was a section in the Act which qualified "British subjects" to vote. It was repealed November 1, 1994. Since November 1, 1994, only Canadian citizens are qualified to vote in municipal elections in Nova Scotia. Those using the list of electors from the provincial election in 1999 should be cautioned that "British subjects" are still entitled to vote provincially, and their names could appear on the list of electors.

Nova Scotia does not have non-resident voting, so individuals who pay taxes to the municipality but are not ordinarily resident there are not entitled to vote in that municipality.

Section 15 lists those who are disqualified to be registered or to vote. They are the returning officer, a person serving a sentence in a penal and reform institution, or a person convicted of any corrupt practice or bribery under the *Municipal Elections Act* in the 6 years preceding ordinary polling day.

Because a considerable period of time elapses between the date of the final list of electors (August 31st) and the date of the election (October 21st), it is likely that some persons whose names appear on the final list of electors for a particular polling division no longer reside there. Note that the legislation limits the qualifications to vote to those who have lived in the municipality for three months preceding ordinary polling day, and **"who continue to so reside"**. The residence qualification for electors in Section 14 applies up to and including ordinary polling day. If a person moves outside the municipality in the three months preceding election day, the person is not qualified to vote for members of Council in either the municipality where the person resided when the list of electors was prepared or the municipality in which the person resides on election day. If the person moves inside the municipality, the person can vote in the polling division where the person lives on polling day. Subsection 82(2) states that an elector votes at the polling station where he or she resides on ordinary polling day. The oath of qualification (Form 24), which may be administered to any elector on ordinary polling day, requires the elector to swear or affirm that he or she, on ordinary polling day, actually resides in the polling division for which the polling station is established. These provisions make it clear that a person who moves after his or her name has been included on the final list of electors may become disqualified by ceasing to have the necessary residence qualification.

Qualifications of Regional or District School Board Electors

All voters who are qualified to vote for the municipal council are also qualified to vote for regional or district school board members. Not all electors are qualified to vote for the African Nova Scotian member of the regional or district school board. Eligibility to vote for this office is discussed below.

A person who moves within three months before ordinary polling day from one municipal unit to another but who remains within the boundaries of a school region or school district (because the school region or school district overlaps municipal boundaries) is eligible to vote in the school board election even though that person is not eligible to vote for members of Council in either the municipal unit where he or she was living before the move or the municipal unit where he or she is living after the move. In such a case, the elector could go to the polling station where he or she resides on ordinary polling day and be sworn in there to vote for school board only. Form 31A is used for this purpose. A person who is sworn in with this form should only be given the ballot for the school board and not a ballot for councillor or mayor.

Qualifications of African Nova Scotian Electors

The African Nova Scotian member of the regional or district school board has a mandate to represent the African Nova Scotian electors in the school region or school district. An African Nova Scotian elector is defined in ss.42A(1) of the *Education Act*, as "African Nova Scotian or the parent of an African Nova Scotian". An "African Nova Scotian" is defined as an "African Nova Scotian or a black person".

In order to vote for the African Nova Scotian member, the African Nova Scotian elector must be qualified to vote for the regional or district school board. The elector who is qualified has a choice of voting for the local school board candidates or the African Nova Scotian candidates.

Individuals who are entitled to vote for the African Nova Scotian candidate must identify themselves as African Nova Scotian electors. Municipal returning officers should direct individuals with questions as to their status of "African Nova Scotian electors" to the Department of Education or the school board.

Those electors wishing to vote for the African Nova Scotian member of the regional or district school board must sign a statement before they vote indicating they are African Nova Scotian electors.

Qualifications of Conseil scolaire acadien provincial (CSAP) Electors

CSAP has a mandate to provide French-first-language instruction to the children of "entitled parents". Only "entitled persons" are eligible to vote for CSAP members. The *Education Act* defines "entitled parent", "entitled person" and "parent" as follows, in clauses 3(h), (i) and (t):

> (h) "entitled parent" means a parent who is a citizen of Canada and
>
> (i) whose first language learned and still understood is French,
>
> (ii) who received his or her primary school instruction in Canada in a French-first-language program, or
>
> (iii) of whom any child has received or is receiving primary or secondary school instruction in Canada in a French-first-language program;
>
> (i) "entitled person" means an entitled parent or a person who, not being an entitled parent, would be an entitled parent if the person were a parent;
>
> (t) "parent" includes, except in the definition of entitled parent, a guardian and a person acting *in loco parentis* to a child.

Therefore, the "entitled parents" or "entitled persons" who are eligible to vote for CSAP must meet the criteria to vote in municipal elections, as well as meeting the criteria to vote for CSAP set out in the *Education Act*. Note that "French-first-language" instruction is **not** French immersion.

Individuals who are "entitled" should identify themselves as such, after having looked at the definition of "entitled person". Municipal returning officers should not be making interpretations of the terminology in the *Education Act* without the guidance of appropriate personnel from the Department of Education or CSAP staff. "Entitled persons" have the option of voting for regional or district school board representatives or CSAP representatives.

Also, because CSAP's jurisdiction is the entire province, an entitled person may move anywhere within the province within three months of ordinary polling day and still be entitled to vote in the CSAP election where he or she lives on ordinary polling day. That person may not be eligible to vote for members of Council in either the municipal unit where he or she was living before the move or the municipal unit where he or she is living after the move or for the regional or district school board member (if he or she also has moved from one school region or school district to another). In such a case, the elector should go to the polling station in the place where he or she resides on ordinary polling day and should be sworn in there for the CSAP election purposes only. They must take the oath in Form 31B, and only be given the ballot for the CSAP election and not a ballot for the councillor, mayor or regional or district school board member.

REVISING THE PRELIMINARY LIST OF ELECTORS

Revising Officer

The returning officer appoints a revising officer for each polling district in a municipality to conduct the revision of the preliminary list of electors [S.32]. One revising officer may do more than one polling district. Either the returning officer or the registrar of voters may act as the revising officer where another person has not been appointed as a revising officer [S.33]. Remember that the revising officer is an "election officer", and must meet the qualifications set out in Section 8, and take the Oath in Form 2.

Duties of Revising Officer

The duties of the revising officer are found in Section 35. A revising officer can:

- add names of qualified voters to the list of electors,
- remove the names of unqualified persons from the list of electors, or remove the names of persons who request that their names be removed,
- correct errors of name and address on the list,

- transfer names from one polling division to another, where he or she is made aware that the names are entered in the wrong polling division, [ss. 37(3)].

Revision Procedure

The preliminary lists of electors must be completed by July 31st, 2000. Before August 15th, 2000, the revising officer receives applications for amendments to the preliminary list. There is no specific time in the legislation when revision must be held, except that the revision period ends on August 15th, 2000. The date of August 11th, 2000 is suggested as the cut off day for applications, in order to allow the revising officer to meet the August 15th, 2000 deadline to return the preliminary list with amendments to the returning officer. In setting the time and resources to be applied to revision, the returning officer should consider the source of the list itself. If the municipality conducts an enumeration, the information contained in it is more likely to be up-to-date than the information from the provincial voter's list or the National Voter Registry. The older the data, the more publicity and effort should be applied to revision, so that as many voters as possible appear on the list to be used at the polling stations on election day.

Posting the Preliminary List

Section 32 of the *Municipal Elections Act* states that the list of electors for each polling division must be posted in a government office or building, or similar facility, such as a post office, for which the polling division list was prepared. For example, all lists of the polling divisions in Polling District 5 should be posted in the municipal office for the municipality and in a suitable office or public building in or near Polling District 5. Every attempt should be made to post the list in a secure location, where it is less likely to be removed, and possibly used for a non-electoral purpose. Posting must occur as soon as the preliminary lists are complete.

Advertising Revision Opportunities

After the preliminary lists have been posted, the returning officer or the registrar of voters gives notice, by at least two insertions in a newspaper circulating in the municipality, that the preliminary lists of electors have been prepared and that notice describes where the lists may be inspected and how, when and where the revising officer will receive applications for amendments to the list. Sample advertisements are in Appendix "C".

Applications for Amendment of the List of Electors

Applications may be received by phone, mail or in person. A revising officer should verify information received from information available to him or her. If a revising officer cannot verify the information, then the revising officer must require the applicant to appear and take an oath [S.36(2)]. Please note that some electors may have told enumerators that they do not wish to be on the list. This information should be transmitted by the enumerators to the returning officer, who would then inform the revising officer.

Additions to the List of Electors

Probably the most common request that a revising officer will receive is to add individuals to the list who have been omitted. Although personal appearance is not required, the *Act* states that the revising officer must verify the information provided from other sources of information. Such sources could be the tax records, telephone books, or previous lists of electors. If no such sources are available, then the revising officer must ask the individual to come in and appear before him or her with sufficient identification to satisfy the revising officer of the person's qualifications. Alternately, an oath in Form 8 can also be taken by the applicant.

Striking off Names of Electors from the List

An individual can ask that his or her name by struck from the list of electors. In that case, the revising officer strikes the name off. The revising officer can also strike off the names of other electors whom he or she is satisfied should not be there. The person requesting that someone else be removed must take the oath in Form 9, but note that ss. 35(2) requires that notice be given to these electors prior to striking them off. The only exception is when the revising officer is satisfied that the person is dead.

Section 35(2) specifies the procedure for giving notice. The person who is to be struck off must be notified of the application by registered mail or personal service. The person who has applied to strike off the name must provide proof of service to the revising officer at the hearing, unless the elector is present.

Correction of Errors

Correction of name and address information can be done by the revising officer on his or her own initiative, from whatever source the information comes to him or her. If someone is asking that the name and address of another person on the list be changed, then that individual should take the oath in Form 10.

Transfer of Names From One Polling Division to Another

These transfers are made once the revising officer is satisfied that the preliminary list was prepared showing persons in one polling division who should be in another. This error can occur if enumerators cross inadvertently into another polling division, or if there are data-entry errors or computer program errors which place voters in the wrong poll, or if there is difficulty in moving data from a federal or provincial polling division to the municipal polling division. Section 37(4) requires that the voters affected be notified of the transfer.

FINAL LISTS OF ELECTORS

The revising officer must complete his or her work by August 15th, 2000, and the final lists of electors must be complete by August 31st, 2000 [S.40]. There is a final list of electors for each polling division in the municipality.

Once the final lists of electors are complete, no further changes are made to them. The final lists are not open for inspection, and cannot be disposed of or sold. They are to be used for electoral purposes only [ss.40(6)]. When the lists are given to the candidates, these restrictions must be made clear. Agreements signed for use of the federal or provincial lists of electors will also contain these restrictions.

The facing sheet of each final list of electors should contain a certificate completed and signed by the returning officer or registrar of voters, which states:

The list of electors contained on the following _____ sheets of paper is correct and final.

____
Returning Officer

The certificate may be typed, printed or stamped by rubber stamp. There should also be a notation concerning the confidentiality of the list.

If your municipality provides the list of electors to candidates on diskette, then there should also be a caution about how the list is to be used provided with the disk.

If there is an "oversize" polling division, which contains more than the maximum of 700 electors, then the returning officer must divide the final list of electors so that each list contains no more than 700 electors [S.39]. When the list is divided, S.39 directs that the division be done alphabetically, between the first letters of the surname of the electors. The poll divided in two then becomes known, for example, as "Polling Division No. 1 (A-K)" and "Polling Division No. 1 (M-Z)". The names which do not form part of the polling division are to be crossed out in red ink. Each part of the divided list must contain the following certificate of the returning officer:

I certify that the names of the electors appearing on the attached list of electors as consecutive numbers ____to____ and which are not crossed out in red ink or red pencil and initialled by me, constitute the final list of electors for Polling Division No.___(___to___).

____
Returning Officer

Combining Polling Divisions

If, after nominations close, the only election in the polling district is for school board member (either regional or district school board (including African Nova Scotian member) or CSAP), then ss.39(2) of the *Municipal Elections Act* allows the returning officer to combine some or all of the polling divisions in a polling district into one polling division. Note that this authority to combine is for polling divisions in "polling districts", not for "electoral districts". The definition of an "electoral district" means an area which contains more than one municipality. Therefore, the returning officer for a school board electoral district does not have the authority to combine polls between municipalities, so that voters from one municipality have to vote in another municipality.

Also note that if the only election is for the CSAP or African Nova Scotian member this should be emphasized in the advertisements for the poll. Noting the qualifications to vote in the advertisements may assist voters in knowing whether to go to the poll to vote or not.

POLLING STATIONS

All necessary polling stations should be tentatively booked as soon as reasonably possible. If there are districts where the council and school board members are acclaimed, then no voting need be held in the district. In that case, the booking can be cancelled after the close of nominations. However, remember that there should be at least one polling station in a polling district, if there is to be an election for school board, either for the regional or district school board (including the African Nova Scotian member), or CSAP.

In looking at the number of polling stations that may be required, the returning officer may want to consider what is being voted for. If there is only to be an election for school board (either for the regional or district school board or for CSAP) then the returning officer is authorized to combine polls in a polling district, but cannot combine polling divisions in more than one district into a single polling division. If the returning officer is expecting significant CSAP voting or voting for the African Nova Scotian member, which will require the signing of Statements at the polls, then additional polling stations should also be considered.

On the other hand, if there is a plebiscite ballot, as well as ballots for council and school board, the returning officer may wish to consider that voters may take longer in the voting booth marking their ballots and divide some voters' lists in order to prevent line-ups or delays.

A polling station is set up for each polling division in the municipality [S.60]. The location should be either in the polling division or in a central location, where a number of polls would be located.

A polling division can contain as many as 700 electors. If the polling division contains more than 700 electors, then the list of electors will have been divided into separate lists, and a polling station will have to be set up for each "unit" of the polling division.

When considering potential locations for polling stations, remember that the space should be well lit, and have sufficient space to set up a table for the deputy returning officer and poll clerk and ballot box, as well as space for a table to set up the voting compartment. Electors must be able to mark their ballots in privacy. As well, the presence of washroom facilities must be considered, since poll staff will be present for at least 12 hours. In some cases, portable toilets can be rented if you must use a facility without a washroom.

Also remember that candidate's agents can be present in the polling station, and there must be some accommodation for them to observe the election procedure. In many places, voters will be asked to cast ballots for mayor, council, and possibly three school board offices. Because of the number of candidates involved, it is not practical to seat agents at the table with the deputy returning officer and poll clerk. Once nominations close, returning officers will be in a position to know how to lay out the individual polling stations.

Be sure that you are aware of the requirements for furnishing each polling station. If the premises do not contain sufficient furniture (tables and chairs for the deputy returning officer and poll clerk; a table for a voting compartment; chairs for the agents; and possibly a table and chair for the individual who may be directing voters), then separate arrangements will have to be made to have the furniture there for election day.

Accessible Polling Stations

At least one polling station in each polling district must be in premises which permit convenient access for persons with disabilities [S.63]. It is good practice to have all polling stations in accessible premises. **Advance polls must be in accessible premises [ss. 114(1)].** In most municipalities, there are sufficient accessible premises so that all polls can be accessible, and inaccessible facilities should not be chosen unless there are no other accessible poll locations in the polling district. Temporary ramps can be constructed at reasonable cost, so that the goal of having all polls accessible can be met.

Some buildings have accessible entrances which are not the main entrance to the facility. In that case, be sure that there is adequate signage to direct individuals to the accessible entrance.

The location of the accessible polls must be published by advertisement in a newspaper circulating in the municipality not later than the 13th day before ordinary polling day (October 8th, 2000) [ss.63(2)]. If all polling stations are accessible, then the required advertisement can state this fact, without listing the location of each one.

Mobile Polling Stations

Hospitals, sanatoria, homes for the aged, licensed nursing homes and homes for the care and treatment of chronic diseases, which are separate polling divisions, can be served by mobile polling stations. A mobile polling station can be set up in a facility for as long as is necessary to take the votes of the qualified electors residing in them. A mobile polling station can serve more than one facility. When voting is concluded at one facility, the poll can be moved to another. Mobile polling stations are an alternative to having these facilities served by conventional polls, which must remain open from 8:00 a.m. - 7:00 p.m., even though all eligible residents (as few as 10) may have already voted.

The mobile polling station would be established in lieu of a fixed polling station for a particular polling division. All voters eligible to vote in that polling division should be resident in the institution. It is not recommended that a mobile polling station be set up in an institution where the residents are on a list of electors to vote at another polling station location outside the institution, because of the possibility of voter fraud.

Before setting up mobile polls, the returning officer should consult with the administration of the facilities to be served by them, to find out the best time to take the votes of the residents. The number of voters located in them, as well as the ease of having them vote, and distances between them, might affect a decision on the number of facilities that could be served by each mobile poll. For example, if it is likely that poll officials might have to go from room to room to get the votes, then voting may take longer than if the residents are ambulatory. If there is an hour's drive between two facilities, then this will affect the number of stops that a mobile polling station can make.

A mobile poll could serve more than one polling district, and the procedure for this will be discussed in greater detail on p. 46.

Once the hours and locations of mobile polls are established, the returning officer must provide the schedule to the candidates.

QUALIFICATIONS OF CANDIDATES

Qualifications for Municipal Council

Section 17 of the *Municipal Elections Act* sets out the qualifications for a candidate for councillor. A candidate for council must

- be a Canadian citizen of the full age of eighteen years at the time of nomination.
- be ordinarily resident in the municipality or in an area annexed to the municipality for a period of six months preceding nomination day.
- have obtained a certificate that his or her rates and taxes and other charges of all kinds due to the municipality have been paid, with the exception of bills for services from municipally-owned utilities within 4 months before nomination

day.

- not be disqualified under the *Municipal Elections Act*.

Section 16 of the *Municipal Elections Act*, which defines the term **"ordinarily resident"**, also applies to define the "ordinary residence" of candidates. The expression **"area annexed to the municipality"** refers to an area which has been added to a municipality by reason of an annexation or amalgamation and does not simply mean an area "adjacent" to a municipality. In other words, the candidate must have been living in the area which now constitutes the municipality for a period of six months, whether or not that area was within the boundaries of the municipal unit for the whole six months.

A candidate must obtain a **tax certificate** which indicates that his or her rates and taxes and other charges of all kinds due to the municipality by the candidate have been fully paid, with the exception of rates for water, electricity or other services provided within four months before nomination day. The certificate relates only to the candidate's personal obligations and not the obligations of a company of which he or she may be a shareholder. Subsection 112(1) of the *Municipal Government Act* authorizes Council to provide for the payment of taxes by instalment. If punctual payment is made of an instalment, then the taxpayer is authorized to make the next payment on the next instalment date. If the payment of the instalment is late, then the subsequent instalment(s) becomes payable. If no instalments are authorized, the taxes become payable as soon as the resolution determining the rate has been passed. Subsection 112(1) is enabling, and not all councils will have resolutions that exactly conform to the wording in this Section. Therefore, before issuing the certificate, it is important to read carefully the Council resolution regarding payment of taxes, to determine when the taxes are due and whether all taxes which are due have been paid. The municipal solicitor should be consulted if you have questions about the resolution's interpretation. Generally, where instalments have been authorized, a candidate's nomination paper may be accepted if all instalments due as of nomination day have been paid. The candidate should be able to take advantage of instalment payments if that choice is available to all taxpayers in the municipal unit.

The tax certificate is signed by the municipal treasurer, or other responsible official.

Section 18 of the *Municipal Elections Act* describes persons who are ineligible to be nominated or to serve as councillors even if they possess the minimum qualifications set out in Section 17. The disqualifications for councillor are contained in subsections 18(1) and (2) which provide:

18(1) No person is qualified to be nominated or to serve as councillor who

(a) is a member of the House of Commons or Senate of Canada;

(b) is a member of the Legislative Assembly;

(c) is a member of the Council of another municipality;

(ca) is a judge of the Nova Scotia Court of Appeal, the Supreme Court of Nova Scotia or the Provincial Court;

(d) accepts or holds office or employment in the service of the municipality, or any utility, board, commission, committee or official thereof, to which any salary, fee, wages, allowance, emolument, profit or other remuneration of any kind is attached, for so long as he holds or is engaged in the office or employment, unless the person is on a leave of absence granted pursuant to subsection 17C(2), but this disqualification does not apply in respect of an office or employment

(i) as a volunteer fireman with a municipal firefighting organization,

(ii) with a school board, or

(iii) with a joint body of two or more municipalities to which the municipality appoints at least one representative and to which the municipality provides funding; or

(e) (repealed)

(f) has been convicted of any corrupt practice or bribery contrary to this Act within five years preceding nomination day;

(1A) No person is qualified to be nominated or to serve as a councillor of a regional municipality to which Section 19 applies where that person is interested in a contract with that regional municipality and Section 19 applies to that contract.

(1B) Where a person who is a councillor is convicted of an indictable offence that is punishable by imprisonment for a maximum of more than five years, that person ceases to be a councillor.

(2) During a special election, no person is qualified to be nominated as councillor who is a member of a school board.

It may be noted that clause 18(1)(d) refers to a person who "holds office or employment in the service of the municipality". This means that a person cannot be a candidate for councillor of the municipality by which he or she is employed, unless he or she is on a leave of absence, but a municipal employee is not disqualified by this section from seeking election to the Council of another municipality. Of course, his or her contract of employment or terms and conditions of employment may prohibit him or her from doing this, but that is between the employee and his or her employer.

Municipal Employees on a Leave of Absence

Recent amendments to the *Municipal Elections Act* set up a process for a municipal employee to take a leave of absence from his or her employment in order to be a candidate for council [S.17A-17C].

Prior to filing nomination papers, the employee must apply to the Chief Administrative Officer of the Municipality for a leave of absence from his or her employment.

If you, as returning officer, know the individual who is filing nomination papers is a municipal employee, it is appropriate to ask if the person has looked at the section regarding leaves of absence, and has arranged to obtain one from the Chief Administrative Officer, or Clerk, as the case may be.

Qualifications for Regional or District School Board

Section 46 of the *Education Act* sets out the qualifications for candidates for school board. Also applicable is Section 2(2) of the *Municipal Elections Act,* which states:

> 2(2) Subject to the *Education Act*, this Act shall apply to the election of any member of a school board as if such member were a councillor.

Since Section 46 of the *Education Act* specifically covers the provisions of Section 17 of the *Municipal Elections Act*, the *Education Act* would take precedence over the *Municipal Elections Act*.

A regional or district school board candidate must

- be qualified to vote at an election pursuant to the *Municipal Elections Act*, in either a municipal or a school board election. This means that the candidate must have the necessary age and citizenship requirements, as well as at least three months residency where he or she is residing on ordinary polling day. If a person is not qualified to vote in a municipal election because he or she moved during the past three months, then he or she cannot be a candidate for school board. **An exception would be if the move occurred within a school region or school district, which may include more than one municipal unit.** As long as the person stayed within the one school region or school district, then he or she could vote for the school board candidate only. This election would qualify as "an election pursuant to the *Municipal Elections Act*", and therefore qualify the person as an "elector".

- be ordinarily resident in the "school district or school region" for six months preceding nomination day. A "school district" is defined in clause (ae) of the *Education Act* as "the area over which a district school board has jurisdiction". A "school region" is defined in clause 3(ag) as "the area over which a regional school board or the *Conseil acadien* exercises jurisdiction". Therefore, as long as the six months residency in the school region or school district is established, it is possible for a candidate to reside in one electoral district and run for election in another electoral district of the same school region or school district in which he or she does not reside.

Section 46(2) of the *Education Act* makes the following people **ineligible** to be school board candidates:

> 46(2) No person is qualified to be nominated or to serve as a member of a school board who
>
> (a) is a member of the House of Commons or Senate of Canada;
>
> (b) is a member of the House of Assembly;
>
> (c) is a member of another school board;
>
> (d) is a judge of the Nova Scotia Court of Appeal, the Supreme Court of Nova Scotia or the Provincial Court;
>
> (e) would be a member of a school board and a member of the council of a municipality at the same time;
>
> (f) accepts or holds office or employment in the service of the school board;
>
> (g) is interested in a contract with the school board to which Section 47 applies, as described in that Section;
>
> (h) has been convicted of any corrupt practice or bribery contrary to the *Municipal Elections Act* within the ten years preceding nomination day; or
>
> (i) has been disqualified from any office pursuant to the provisions of the *Municipal Conflict of Interest Act* or the *Municipal Elections Act* and the period of disqualification has not expired.

Clause 46 (2)(e) of the *Education Act* precludes a person from running for both council and the school board in the same election. It also precludes an elected councillor from running for school board membership in a special election. Subsection 18(2) of the *Municipal Elections Act* precludes a school board member from being a candidate in a special election for a council seat.

As with the Council, the reference to an "office or employment in the service of the school board" in clause 46(2)(f) of the *Education Act* is a reference to the board for which the person works. An employee of one school board may run for office in another school board, but not for office in the board by which he or she is employed.

Section 47 of the *Education Act* allows a school board to pass a by-law which prohibits persons with an interest in a contract from running for as a candidate for the board. If you are the returning officer for a school board election, you should determine from the Board whether it has such a policy in effect.

Qualifications for African Nova Scotian Member of the Regional or District School Board

Candidates who wish to run for the position of African Nova Scotian member of a regional or district school board must meet the same qualifications as other candidates for regional or district school board. There is one additional qualification for candidates for African Nova Scotian member: he or she must be an "African Nova Scotian", within the meaning of S.42A of the *Education Act*. The definition is "African Nova Scotian means an African Nova Scotian or a black person."

Candidates for this position will have to attest to their status on the nomination paper.

No tax certificate is required for a regional or district school board candidate.

Qualifications for Conseil scolaire acadien provincial (CSAP)

The qualifications for CSAP are the same as those for any school board member. It must be remembered that the "school region or school district" for CSAP is the entire province, so that as long as a person has resided in the Province for six months preceding nomination day, he or she would meet the residency requirements to run for CSAP.

There is one additional qualification for CSAP candidates: **he or she must be an "entitled parent" or "entitled person" within the meaning of sections 3(h), (i) and (t) of the *Education Act*.** The definitions are:

> 3(h) "entitled parent" means a parent who is a citizen of Canada and
>
> (i) whose first language learned and still understood is French,
> (ii) who received his or her primary school instruction in Canada in a French-first-language program, or
> (iii) of whom any child has received or is receiving primary or secondary school instruction in Canada in a French-first-language program;

(i) "entitled person" means an entitled parent or a person who, not being an entitled parent, would be an entitled parent if the person were a parent;

(t) "parent" includes, except in the definition of entitled parent, a guardian and a person acting *in loco parentis* for a child;

Candidates for CSAP will have to attest to their status as "entitled persons" prior to their nomination being accepted. The procedures for this will be explained under "Nomination Procedures".

No tax certificate is required for candidates for CSAP.

NOMINATION PROCEDURES

Time of Nominations

The *Municipal Elections Act* fixes nomination day as the second to last Monday in September [ss.44(2)], or **September 18, 2000.** Candidates can either file their nomination papers on that day, or make an appointment with the returning officer to file them during the preceding week [ss.44(9)]. You may want to encourage candidates to file papers as early as possible, especially in larger municipalities, in order to avoid congestion on nomination day itself. This is especially true if the municipal returning officer is also acting as returning officer for the school board and/or CSAP. As well, early filing gives the candidate a chance to correct any potential errors in the papers prior to the deadline.

Nomination Notice

The first step in the process is the advertising for nominations for all offices that are to be voted for in the municipality [S.42]. A sample notice is in Appendix "C". The notice is inserted twice in a newspaper circulating in the municipality, not less than 7 nor more than 14 days apart, with the second notice preceding nomination day by at least seven days. Note that if you are not the returning officer for the regional or district school board election, for the election for the African Nova Scotian member of the regional or district school board, or for the CSAP election in your municipality, then the advertisement must direct potential candidates to the appropriate returning officer, and indicate where he or she can be contacted.

Nomination Forms

There is a separate nomination form for mayor and council (Form 11), regional or district school board (Form 11A), African Nova Scotian member of the regional or district school board (Form 11C) and Conseil scolaire acadien provincial (Form 11B). Be sure that the right forms are given to the members of the public who request them.

When prospective candidates come in to ask for nomination forms, many municipalities have an "information kit" which can be provided to the individual. It could include the Candidate's Guide, information about tax certificates, required deposits, and polling districts or polling divisions, and any other matter that the returning officer wishes to bring to their attention. As well, it is a good idea to stress to candidates to get more than the minimum number of names of nominators, since there may be a possibility that some of them may not be on the list of electors. Since the candidate cannot get access to the list of electors until he or she is nominated, they may have difficulty checking in advance.

In particular, prospective candidates should be alerted to the new requirements for disclosure of campaign contributions.

Deposit

The council of the municipality sets the amount of the deposit to be filed by candidates. It can be as much as $200, or be set at a lesser amount, or there can be no deposit required. In the case of school board electoral districts which contain more than one municipality, the highest deposit is the one that must be paid by school board candidates [S.52]. The school board returning officer must check the level of the deposit set by the municipalities in the electoral district so that the school board candidates can be informed of the appropriate deposit prior to filing their papers.

The *Municipal Elections Act* [ss.44(7)] sets out that the deposit is to be paid

- in cash
- by certified cheque or chartered bank draft drawn on a financial institution and payable to the municipality, or
- by postal money order, payable to the municipality.

When candidates are picking up nomination papers, be sure to include information on how the deposit is to be paid.

Acceptance of Nomination Papers

The nomination papers must be carefully checked when they are filed. The following parts must be completed:

- The office that the candidate is seeking must be clearly identified. A candidate can be nominated for only one office [S.47].

- The nominators must appear on the final list of electors, and must be eligible to vote for the candidate. For **mayor,** the nominators can be on the list anywhere in the town, regional municipality, or municipality of a county or district that opts for a mayor elected at large [ss.43(2)]. For **councillor,** the nominators must be on the list in the polling district in which the candidate is running [ss.43(1)]. For **regional or district school board member (including African Nova Scotian member),** the nominators must be on the list anywhere in the electoral district [ss.43(3)]. For the African Nova Scotian member, the nominators also must be "African Nova Scotian electors". For **CSAP,** the nominators must be on the list anywhere in the electoral district [ss.43(3)] as well as being "entitled persons". African Nova Scotian member and CSAP nominations will be discussed in greater detail below.

- The **consent and oath of the candidate** must be completed and signed by the candidate [ss. 44(6)]. Note that a candidate's official agent can complete the consent and oath, if the candidate is absent and the appropriate **written** authorization has been filed prior to the filing of the nomination paper [S.45].

- The candidate must indicate who his or her **official agent** is, or indicate that he or she is acting as his or her own official agent [S. 70].

- The appropriate **deposit** and **tax certificate** have been filed. Remember that the tax certificate is not required for school board candidates.

The returning officer signifies his or her acceptance of the nomination paper by signing the **"receipt"** portion of the paper. A copy of this receipt should be given to the candidate. It is evidence that the candidate has been officially nominated [ss.48(2)]. Once the nomination paper is accepted, the returning officer cannot subsequently reject it [ss. 48(3)].

Each candidate whose nomination is accepted is to be provided with a copy of the **lists of electors** who are entitled to vote for the office for which the candidate has been nominated [ss.48(1)].

Also, be sure to provide copies of the accepted nomination forms to the municipal clerk or the secretary of the school board, as the case may be, so that they will know which candidates will be filing disclosure forms.

Rejection of Nomination Paper

Section 44(5) states that the returning officer "shall not accept" the nomination paper of someone that he or she "knows" is not qualified. If a returning officer is faced with a situation where this section could apply, then he or she should contact the municipal solicitor for advice.

Nomination of Candidates for African Nova Scotian Member of the Regional or District School Board

There are two particular elements of nomination for the African Nova Scotian member of the regional or district school board that are in addition to the requirements for nomination to the school board. **The nominators must be "African Nova Scotian electors" and the candidates must be "African Nova Scotians", within the meaning of the *Education Act*.**

The returning officer for the election of the African Nova Scotian member must have evidence that both the nominators are entitled to vote for the office and that the candidates are entitled to run for it. For the candidates, this is accomplished by having the candidate sign the "Consent and Oath of Candidate" in Form 11C. For the nominators, this requirement is accomplished by having them sign a Statement on the nomination paper, indicating that they are "African Nova Scotian electors".

Returning officers for the election of the African Nova Scotian member should encourage candidates to file early, to be sure that the names of the nominators can be checked on the list of electors. Where the school region or district covers a number of municipalities, the returning officer will have to get access to the lists of electors which show the nominators, as well as to have the lists of electors to provide to candidates for the African Nova Scotian office once their nomination papers have been accepted.

Nomination of Candidates for CSAP

There are two particular elements of nomination for CSAP that are **in addition to** the requirements for nomination to council or regional or district school board. **Both the nominators and the candidates have to be "entitled persons", within the meaning of the *Education Act.***

The returning officer for CSAP must have evidence that the candidate and the nominators are entitled persons. For the candidates, this declaration of entitlement is part of the "Consent and Oath of the Candidate" on Form 11B. For the nominators, this requirement is accomplished by having the nominators sign a Statement on the nomination paper, indicating that they are "entitled". Otherwise, the requirements for nomination of CSAP candidates are the same as for candidates for regional or district school board.

CSAP returning officers should encourage candidates to file early, to be sure that the names of the nominators can be checked on the lists of electors. Where the CSAP electoral districts cover a number of municipalities, the returning officer will have to get access to the lists of electors which show the nominators, as well as to have the lists of electors to provide to candidates for CSAP once their nomination papers have been accepted.

Disclosure Information

Candidates must be provided with Forms 40 and 41, which are to be used for filing Campaign Contribution Disclosure Statements, at the time that their nomination papers are accepted. Although there is information about disclosure requirements in the Candidate's Guide, returning officers may wish to provide them with information from Appendix "J" in this Handbook.

Release of Information About Candidates

Returning officers may find that they are facing questions about who is running for a particular office. Information about persons who have made inquiries about running for a particular position or who have taken out nomination papers is not a matter of public information. Once a person becomes "officially nominated", which is after the returning officer has signed the receipt of the nomination paper, then his or her name can be released. Sometimes there are problems because potential candidates may not want to "throw their hats into the ring" unless they are sure that they will not be challenged for the position, or will not be running against a particular person. This practice can lead to candidates turning up at the returning office late in the day on nomination day, in order to find out who has already filed papers, so that they can then file papers for the position that he or she may want to then contest. In that case, the returning officer should examine the papers presented with extra care.

Changes in Particulars to Nomination Papers and Withdrawal of Candidate

Up to 4:00 p.m. on Tuesday, September 19th, 2000, a candidate, or his or her official agent, can request that particulars of his name and address on the nomination paper be **changed.** The request must be in writing. If the returning officer is satisfied that the requested changes correspond to how the candidate is known in the community, he or she attaches the written direction from the candidate to the nomination paper, and amends it accordingly [S.49].

Also up to 4:00 p.m. on Tuesday, September 19th, a candidate may **withdraw** his or her name as a candidate. The request to withdraw must be made by the candidate, or his or her official agent, in person. A written declaration must be submitted by either one of them, stating that the candidate withdraws. In that case, the candidate is deemed not to have been nominated, but he or she must forfeit the deposit filed with the nomination paper [S. 53].

In the unlikely event that a candidate **dies before the close of nominations on nomination day,** the candidate is deemed never to have been nominated [ss. 54(1)]. The position of candidates who die after the close of nominations is discussed on p. 32.

ELECTIONS AND ACCLAMATIONS

Once nominations close on nomination day, September 18th, 2000 at 5:00 p.m., returning officers will know which offices will have an election, which offices will be acclaimed, and possibly which offices do not have sufficient candidates, or any candidates, who filed nomination papers.

Acclamations

If only one candidate, or only the number of candidates authorized to be elected for a particular polling district, have been officially nominated, the returning officer must so inform the clerk of the municipality (for mayor or council) or the secretary of the school board (for school board members). The acclaimed candidates are then declared elected following ordinary polling day [S. 55].

Insufficient Number of Candidates Nominated

If insufficient candidates are nominated to fill the vacancies on council, the Council, or where there is no council, the Minister of Housing and Municipal Affairs, must name the day to fill the vacancy. In the case where more than one candidate is to be elected and at least one candidate has been nominated by the close of nominations, that candidate is acclaimed and subsequently declared elected. Vacancies would exist for the number of unfilled positions.

Grant of Poll

Candidates

If more than the number of candidates to be elected for a polling district (mayor or council) or electoral district (school board), are officially nominated, then the returning officer grants a poll for the taking of the votes of the electors [ss.56(1)].

Plebiscite

The returning officer must grant a poll for any question that council has directed be put before the electors [ss.56(2)].

Death of Candidate

If a candidate for an office dies between the close of nominations and polling day, the returning officer must revoke the grant of poll and fix the date for a new polling day. The date would be between 36-45 days from the date of the death [ss.54(2)].

The returning officer must call for new nominations, for the third Monday preceding ordinary polling day. Those who were previously nominated are deemed to be nominated for the new election, without having to be re-nominated. The same list of electors can be used, and the election is conducted as if it were a special election [ss.54(3)].

Notice of Poll

As soon as may be after nomination day, the returning officer places a Notice of Poll in at least two issues of a newspaper circulating in the municipality, not less than 7 days apart, which states:

- the purpose of the election
- the names of the candidates and the offices they seek
- the names of the candidates acclaimed and the offices to which they have been acclaimed
- the dates of ordinary polling day and the 2 advance polling days, and the hours of voting at each
- the location of the voting places
- a statement that the polling division descriptions can be inspected at the municipal office during regular office hours.

A sample notice is found in Appendix "C". [S.50]. Remember that you must get details of the school board elections, if you are not acting as returning officer for the school board elections.

Notice of Advance Poll

Even though the advance poll days are stated in the Notice of Poll, Section 114(6) requires that the returning officer advertise the advance polls at least twice in a newspaper circulating in the municipality, with the notices appearing at least one week apart, and inserted before the first advance poll day. The notice must contain [ss.114(7)]:

- dates and hours of voting
- location of the advance polling stations, with the polling divisions to be served by each
- classes of electors entitled to vote at the advance poll.

BALLOTS

Printing of Ballot Papers

The requirements for ballot papers are set out in Sections 65-67 of the *Municipal Elections Act*. The ballot paper is to be as shown in Form 13 of the *Municipal Elections Act*.

Clause 66(1)(c) says that the ballot should show "the names of the candidates with given names or names by which they are commonly known followed by surnames, arranged alphabetically in order of their surnames and, where necessary, their given names". For this purpose, the candidate's name should be the name by which he is known in the community. It may be necessary to include nicknames, especially in communities where a large number of people have the same surname. For example, a ballot may show a candidate's name as "John "Red" MacDonald". Or the ballot may disclose the candidate as "Billy A. MacDonald" where the community would simply not recognize his name if it appeared as "William Arthur MacDonald". On the other hand, the Act specifically states that no title, honour, decoration or degree shall be included with the candidate's name on the ballot.

The front of the ballot should show, at the top, whether the ballot is to be marked for one candidate only or for not more than a particular number of candidates. Ballots which can be marked for more than one candidate may be counted even if the voter does not indicate as many choices as he or she is permitted to indicate. For example, if the voter can vote for not more than four candidates, but chooses to vote for only one of them, the ballot is still counted.

It is not necessary to affix the municipal seal to all of the ballots in order to identify them. The use of serial numbers and careful control of printing arrangements provides sufficient security.

Where the ballot is for a mayor or school board member who is to be elected by people in more than one polling district, it is not necessary to show the polling district or ward number of the municipality on the back of the ballot because all ballots should be uniform and will be used in more than one polling district or ward. A general description of the total electoral district is sufficient in that case. Taking the previous example of Electoral District 1 of the Annapolis Valley Regional School Board, which contains four districts of the Municipality of the County of Annapolis and the Town of Middleton, all ballots for that school board election would show "Electoral District One, Annapolis Valley Regional School Board".

Ballots are to be printed on different colours of paper for different offices [S. 67], so ballots can be quickly separated when they are taken from the ballot box for counting. **In choosing ballot colours, consultation amongst the municipal and school board returning officers should occur so that the ballots for different offices are in different colours.** They are printed in black ink with the title, warning and names of candidates, and have a small circular space, in the colour of the paper, immediately to the right of the name of the candidate [ss.66(4)] (Form 13). They must be produced with a counterfoil and stub, and be perforated. They must be serially numbered on the back of each of the stub and counterfoil [ss.66(3)]. They must be bound or stitched in books of 25, 50 or 100 ballots, depending on the requirements of the polling station. Some of each number is useful. The returning officer must direct the printer on how many books of each number to make.

How Many Ballots to Print?

Each polling station must be supplied with at least 10% more ballot papers than there are electors on the final list of electors for that polling station [S. 68]. This allows for additional ballots for electors who are sworn on to the list on voting day, or for electors who may spoil their ballots and need replacements. For example, to supply an additional 10% of ballots to a polling station with 500 names on the final list, an extra book of 50 will suffice. If all ballots are bound in books of 100, for example, then the municipality will end up having to buy more ballots than are necessary to conduct the election.

Returning officers should also keep some ballots on hand in their offices to be supplied in case of emergencies. Ballots should be kept secure until they are required.

Regional or District School Board Ballots

Returning officers for regional or district school board elections would follow the same rules for number of ballots to be printed as there are for municipal elections: 10% more than are on the final list of electors for each polling station in the school electoral district. The figures would have to be obtained from the municipal returning officers in the electoral district. Even in areas with significant CSAP voters, the number of ballots will have to coincide with the total number of electors on the final lists for the polling stations (+10%) because the CSAP voters can opt to vote for the regional or district school board.

Once the school board ballots are printed, it is up to the school board returning officer to get them into the hands of the municipal returning officer(s), who will then include them in the supplies for each polling station.

Ballots for African Nova Scotian Member of the Regional or District School Board

For returning officers for the African Nova Scotian member, the number of ballots to be supplied to each municipality in the school region or school district should be determined in consultation with the municipal returning officer, and with the Department of Education. There will be polling divisions which have many voters who will be interested in casting ballots for the African Nova Scotian candidate, and possibly these can be identified in advance. As a minimum, sufficient ballots should be printed to ensure a **book of 25 at each polling station in the electoral district**.

Remember that the electors who are qualified to vote for the African Nova Scotian candidates have a choice, and even if there are areas where there are significant numbers of African Nova Scotian electors, there must still be sufficient ballots for all to vote for either the regional or district school board district member candidate or the African Nova Scotian candidate.

Since ballots are not costly to produce, and will be paid for by the regional or district school board, it is best to err on the side of providing too many ballots, rather than too few.

CSAP Ballots

The same considerations for ballot numbers apply for CSAP ballots because the number of "entitled persons" is not known. Even if it were, not all entitled persons will opt to vote for CSAP. The number of ballots to start with is a number sufficient to have a **book of 25 ballots at every polling station in the electoral district.** Obviously, a significant number of polling stations will require more than 25 ballots. The following procedure is suggested to try and come up with an appropriate number of ballots:

- determine if there are areas within your CSAP electoral district where there are concentrations of "entitled persons". The municipal returning officer in the area, or possibly a CSAP contact, could assist with this task.
- consider the voting patterns where there were CSAP elections in 1997.

Since ballots are not costly to produce, and will be paid for by CSAP, it is best to err on the side of producing too many ballots, rather than too few. The CSAP returning officer will have to consult with each municipal returning officer, to ensure that the appropriate number of CSAP ballots are at each polling station in the municipality.

ELECTION PERSONNEL

Appointment of Election Personnel

As soon as nominations close, returning officers will know how many polling stations are going to be required to take the votes of the electorate. Each polling station (including any mobile polling station) must be staffed by a deputy returning officer and a poll clerk [ss. 58(1)]. They must be appointed no later than the eighth day before ordinary polling day (October 13, 2000), and are required to take the Oath in Form 2 prior to commencing their duties [ss.59(1)].

Some returning officers find it helpful to retain two poll clerks for the advance poll. This is because of the necessity of handling the declarations that all voters must take prior to voting at the advance poll. As well, each advance polling station could be serving a number of polling divisions, and there can be numerous separate lists of electors which must be gone through to cross off the names of the electors.

In areas where there are going to have to be significant number of statements signed at the polling station by voters who are casting ballots for CSAP or the African Nova Scotian member of the regional or district school board, it may also be a good idea to have a second poll clerk to assist with the statements. The cost of this poll clerk can be billed to the school board(s).

Where the returning officer is aware that there will be a number of persons entitled to vote for CSAP, an effort should be made to recruit French-speaking poll officials.

A person who has been convicted of a corrupt practice or of bribery in the 10 years preceding ordinary polling day is not qualified to be appointed as a deputy returning officer or poll clerk [S.8].

If the municipality uses central polling places, the returning officer will most likely appoint individuals who will direct voters to the appropriate polling stations.

Some municipalities with large geographic areas may wish to appoint individuals to collect the voting materials on election night and return them to the returning officer, if the distances that deputy returning officers would have to travel is too long after working all day.

The returning officer has the discretion to appoint substitute election officers in anticipation of requirements [S. 7]. It is good practice to have some "spares" who can fill in at short notice if an appointed poll official cannot fulfill his or her duties on election day.

Training of these workers is very important, as they are the "front line" for the taking of the votes. Sufficient time and resources should be set aside to ensure that effective training can be carried out. Some suggested training guidelines are in Appendix "B".

Removal and Replacement of Election Personnel

A returning officer can remove and replace election officers. A deputy returning officer can be removed for cause [S. 58]. In that case, the returning officer can call on a substitute DRO or ask the poll clerk to take on the responsibilities, and appoint another poll clerk.

TRANSFER CERTIFICATES

Certain persons are eligible to transfer from one polling station to another where it is better for them to vote [S. 73]:

- A candidate or an agent acting on behalf of a candidate may choose to transfer to any polling station within the polling district or to another polling district in the municipality.

- A DRO or poll clerk may choose to transfer to a polling station where he or she is working rather than vote at the polling station where his or her name appears on the list of electors.

- An elector with a physical disability may wish to transfer from his or her own polling station to one which is accessible.

No other electors are entitled to a transfer certificate.

An eligible elector applies for a transfer certificate by completing an affidavit in Form 18 and a transfer certificate is then issued by a returning officer or an assistant returning officer in Form 19 or Form 20.

Either Form 19 or Form 20 is completed in triplicate. The original is given to the elector, one copy is delivered to the polling station where the elector's name appears on the list of electors, and the third copy is kept in the returning officer's headquarters.

Form 19 applies when the elector wishes to vote at a polling station within the same polling district, while Form 20 is used to permit an elector to vote in another polling district within the municipality. Subsection 73(2) of the *Municipal Elections Act* authorizes a transfer certificate to permit an elector to vote at a polling station in another polling district within the municipality but the transfer certificate will be restricted to permit the elector to vote only for those offices or matters for which he or she could have voted at the polling station where his or her name appears on the list of electors. For example, if the polling district in which the elector's name appears on the list of electors has a councillor elected by acclamation, the only office for which he or she is able to vote is for mayor. He or she could not transfer to another polling district and vote for a councillor as well as mayor.

The elector may vote at the polling station named in the transfer certificate by presenting it at that polling station. If the elector chooses to vote at the polling station where his or her name appears on the list, he or she must surrender the transfer certificate before being permitted to vote there.

Transfer certificates must be issued by no later than 5:00 p.m. in the evening of the Wednesday before ordinary polling day.

PROXY VOTING

Proxy Forms

There are two forms used for proxy voting:

(a) an application for a proxy vote (Form 21), which is completed and submitted to the returning officer; and

(b) the proxy paper (Form 22), which the returning officer issues upon receipt of a completed application.

Each returning officer should have a large supply of application forms available for distribution to candidates, workers for candidates or electors so that any of them can contact a person who may wish to vote by proxy and assist with the completion of the application. It is likely that there will be a large demand for application forms but that only a small number of them will be completed and returned to the returning officer.

Qualification to Vote by Proxy and to be a Proxy Voter

An elector is qualified to vote by proxy if

- he or she is going to be absent from the municipality on the advance poll days and ordinary polling day **or**
- he or she is unable to attend at the polling station because of illness or physical disability [ss.76(2)], **and**
- his or her name is on the final list of electors.

A person is qualified to be a proxy voter if:

- the elector and the proxy voter are each on the list of electors for the polling division where the elector is ordinarily resident, **or**
- the proxy voter is a child, grandchild, brother, sister, parent, grandparent, husband or wife of the elector and is on the list of electors for the municipality in which the elector is ordinarily resident, **or**
- where the polling division is a home for the aged approved or a nursing home licensed under the *Homes for Special Care Act*, the proxy voter is a child, grandchild, brother, sister, parent, grandparent, husband or wife of the elector and is of voting age.

A person **cannot** be a proxy voter for more than one person, unless he or she is of one of the family members of the elector named above.

In the case where the list of electors for a polling division has had to be divided into two or more separate lists because the number of names exceeds 700, the list of electors for the polling division is the list of electors before it was divided. Therefore, if the list was divided alphabetically (A-L) and (M-Z), Mr. J on the first half of the list can be the proxy voter for Ms. W, on the second half of the list.

Proxy Application Procedure

If a person wishes to vote by proxy, that person should complete and sign the application form (Form 21). If the elector completing the application form is not sure of his or her number on the list of electors, or his or her polling division number, those spaces can be left blank and can be completed by the returning officer, as long as there is no doubt about which elector has signed the application. For example, students who complete the application form while away from home will not have the list of electors available and therefore will not have that information.

When the application form has been completed, it should be returned to the returning officer at any time between the day that the final list of electors was certified and 5:00 p.m. on Friday, the eighth day before ordinary polling day. It is not proper for the returning officer to issue a proxy paper (Form 22) at any time after 5:00 pm on Friday, the eighth day before ordinary polling day.

The application form must be delivered to the returning officer either by the elector who wishes to appoint another to vote by proxy, or by the proxy voter who will act for the elector. No other person may bring this application form to the returning officer. This may mean some travelling for people in large municipalities. Indeed, it may be wise for returning officers to make arrangements to travel to small communities within the municipality for the purpose of receiving proxy application forms. If the returning officer plans to do this, he or she should advise all candidates in the area of the time and place where the proxy applications will be received so they can pass the information along to qualified persons. The tariff of fees for returning officers set by Councils in larger municipalities should reflect this cost.

Issuing of Proxy Paper

When the returning officer receives the application in Form 21,

(a) the returning officer must be satisfied that the elector completing the application is qualified to vote by proxy and has not appointed another person to act as his or her proxy voter; and

(b) the returning officer must be satisfied that the proxy voter named in the application is qualified to act as a proxy voter for the elector.

If these criteria are met, the returning officer issues a proxy paper **only to the elector or proxy voter, who appears before the returning officer.** The proxy paper allows the proxy voter to exercise the proxy vote at the polling station where the name of the elector giving the proxy is on the list of electors.

The returning officer completes the proxy paper form (Form 22) in triplicate and should consecutively number each set of proxy papers before any copies are issued. The copies are distributed as follows:

(a) the original goes to the elector or the proxy voter who presented the application and this copy will be used by the proxy voter on ordinary polling day;

(b) a copy remains in the office of the returning officer for public inspection; and

(c) the third copy is provided to the DRO for the polling station where the name of the elector is listed and where the proxy voter will be appearing to vote.

The proxy paper is a written direction, signed by the returning officer, permitting one person to vote in the place of another and, therefore, the proxy paper forms should be carefully controlled. In no case should a returning officer issue a blank Form 22 (Proxy Paper).

Cancellation of Proxy Paper

It sometimes happens that a person who is eligible to vote by proxy will appoint one person (perhaps a worker for a candidate) to vote by proxy and then a family member will volunteer to act. In that case, the person must cancel the first proxy paper and have a new one issued before 5:00 p.m. on Friday the eighth day before ordinary polling day [S.79]. If a proxy paper is not cancelled, only the proxy voter may vote for the elector. The elector cannot vote other than through the proxy voter [ss.99(3)].

CANDIDATES' AGENTS

There are two types of agents that a candidate can appoint: an official agent and an agent to represent him or her at a polling station.

Candidates' Official Agent

All candidates are required to have an official agent, because of the requirement to disclose campaign contributions. However, a candidate can act as his or her own official agent [S. 70].

One of the more difficult things to pinpoint is to determine when a person actually becomes a "candidate", thereby triggering the need to appoint an official agent. That is because of the definition of "candidate" in the *Municipal Elections Act*, as follows:

> 2(1)(b) "candidate"
>
> (i) before the close of nominations on nomination day means a person who is declared, by himself or by others with his consent, to be a candidate, and
>
> (ii) after the close of nominations on nomination day means person who has been nominated as a candidate.

Since nomination itself does not occur until four weeks before election day, many candidates will be actively campaigning before they actually file nomination papers. They may be putting up signs, canvassing neighbours, or taking out advertisements. A good rule of thumb is that the official agent should be appointed as soon as the candidate starts to take money, and **must take place no later than the close of nominations on nomination day.**

The official agent is appointed by Form 17. A candidate who has chosen to act as his or her own official agent should file a written declaration with the clerk that he or she is acting as official agent. Even if this decision is made initially, the candidate can name another person to act as official agent before the close of nominations on nomination day. If no declaration is filed, then the candidate is deemed to be acting as his or her own official agent. Note that the nomination paper for council or school board also contains a section which allows for the appointment of official agent.

Candidates' Agents at the Polling Stations

Each officially nominated candidate is entitled to be represented by an agent at each polling station. The agents can

- observe the voting procedure,
- challenge an elector, by asking for the oath of qualification,
- view the poll book, at times when there is a lull in the voting,
- witness the count of the ballots.

Agents are appointed by Form 15, which must be signed by the candidate or the candidate's official agent. Form 15 must disclose the name and address of the person who will act as the agent, and must designate the polling station where the agent is authorized to act. There is no particular qualification to be an agent. An agent must present his or her appointment to the deputy returning officer at the poll when he or she first arrives. **Only one agent can be present in the polling station during polling hours**, but the agent does not have to stay and other authorized agents may act as replacements throughout the day [ss.71(2)]. There is no limit on the number of agents who can be appointed to act at a polling station and there is no limit on the number of polling stations for which one individual may be appointed as agent, as long as a separate appointment in Form 15 is filed for each person and for each polling station at which that person will act.

The *Municipal Elections Act* does not distinguish between "inside" and "outside" agents, although those terms are in common use. An "outside agent" is usually responsible for getting the names of the electors who have voted, so that known supporters of the candidate can be encouraged or assisted to go to the poll if they have not been out to vote. This information is provided by the "inside agent". Since only one agent can be present in the polling station at any one time [S. 69], the transfer of information should take place outside the polling station.

A candidate can act as his or her own agent [S. 72].

OPENING THE POLLING STATION

The hours of voting are: ***ordinary polling day:*** 8:00 a.m. to 7:00 p.m.
advance poll: 12:00 noon to 8:00 p.m.
mobile polls: (on ordinary polling day) - as determined by the returning officer, but a mobile poll cannot open earlier than 8:00 a.m. or close later than 7:00 p.m.

Setting Up a Polling Station

Previous mention has been made of the arrangement of polling stations: the deputy returning officer and poll clerk must be at one table, with the ballot box placed on that table. The voting screen and pencil or pen to mark the ballot must be on a separate table nearby, placed in such a way, and with sufficient light, that the electors can mark their ballots in private. Depending on their numbers, candidates' agents can be seated either at the table with the deputy returning officer and poll clerk, or have chairs elsewhere in the room, where they can observe the voting process.

If there is more than one poll clerk at the advance poll, then that person must also be accommodated. As well, if there is to be an individual directing voters to the right polling station, then there must be a table and chair for him or her.

Each polling station must be identified by the number of the polling division. If the polling division is split, so that there is more than one polling station for the polling division, then each polling station is identified by the letters which make up the split (e.g., A-L or M-Z) [S. 61].

The **directions to electors** (Form 23) must be posted in each polling station [S.81]. The form must be posted in a conspicuous place outside and near the polling station and in a conspicuous place in each voting compartment. Form 23 includes a sample ballot. The use of a copy of the ballot to be used in the election is not recommended for this purpose, because of the possibility that comments could be written on it, directed toward a candidate. A sample form is in Appendix "D".

Suggestions for School Board Elections

To inform voters of what the offices are in school board elections and who can vote for which, the following may be useful, depending on your situation:

- a poster or posters near the entrance to the polling place explaining this information;

- signs or a poll worker at the entrance to direct voters with questions to a poll clerk designated to provide this information in writing and to give voters the Statements to sign in preparation for voting for CSAP or the African Nova Scotian member;
- if a number of CSAP voters are expected, signs or a poll worker to direct them to a poll clerk (preferably bilingual) who will give them Statements to sign before proceeding to the line-up to vote; this will speed up the voting;
- have a handout for DROs to give to people with questions;
- a sample for use in signs and handouts will be circulated prior to the election.

Polling Station Supplies

The following supplies must be in the hands of the deputy returning officer by 10:00 p.m. on the day before polling day [S. 68]. The following should be sealed in the ballot box:

- ballot papers for each office or question to be voted on at the polling station; equal to the number of electors on the final list of electors for the polling division, +10%. See above, p. 34 for the number of ballots to be supplied for CSAP and for the African Nova Scotian member.

  For the **advance poll,** the number of ballot papers required can be gauged from previous elections. Be sure that the deputy returning officers for the advance poll know how to get in touch with the returning officer so that they can telephone if additional ballots are required.
- a statement showing the number of ballot papers supplied, with their serial numbers.
- pencils or pens for the marking of the ballots.
- voting compartment.
- two copies of the directions to electors, in Form 23.
- a copy of the *Municipal Elections Act,* and any other instructions prescribed by the returning officer.
- a copy of the final list of electors for the polling station, which includes the crossed-off names of the electors who voted at the advance poll [S. 122].

Remember that the advance poll officials will need copies of the lists of electors for all polling divisions being served by an advance poll location.

- a poll book.
- copies of proxy papers and transfer certificates for the polling station.
- Statements of entitlement to be signed by electors applying to vote for either CSAP or the African Nova Scotian member of a regional or district school board.
- sufficient seals for the ballot box so that it can be properly sealed when the poll is open, when it is closed, and an additional seal for each ballot box supplied for the polling station.
- envelopes for each of the following:
    - **cancelled ballot papers**
    - **unused ballot papers and stubs**
    - **the ballots cast for EACH candidate or matter being voted on at the polling station EXCEPT for an at-large election, where all the ballots for council can be placed in one envelope**
    - **rejected ballots**
    - **envelopes to transfer the school board ballots to the returning office, in case there are fewer than 10 votes.**
- any other materials and supplies that the returning officer authorizes.

Returning officers may wish to supply their DROs with a list of the municipalities that make up the "school region or district" of which the municipality is a part, so that they will know whether electors who do not qualify to vote for council because they do not meet the residency requirements, may meet the residency requirements to vote for regional or district school board.

These supplies remain in the custody of the deputy returning officer until the opening of the poll. The deputy returning officer is responsible for their safekeeping, and must keep anyone from having unauthorized access to them [ss.68(4)].

Opening the Polling Station

Deputy returning officers and poll clerks should report to their polling stations **at least 20 minutes prior to the opening time of the poll.** On election day, polls open at 8:00 a.m.; advance poll, at 12:00 noon.

In the 20 minutes prior to the opening time, the deputy returning officer undertakes the following duties, in the full view of the poll clerk, candidates, agents and electors who are present [S.81]:

- posts the directions to electors.
- counts the ballot papers and permits any candidate, agent or elector who is present to inspect and count them.
- opens the ballot box, ascertains that it is empty, seals it, and places it on the table in full view of all present, where it remains sealed until the close of the poll.
- initials the ballot papers in the space provided, without removing them from the books, either in pencil or pen. The same writing instrument must be used to initial all ballot papers at the polling station.
- removes any partisan material on the premises of the polling station.

The polling station opens **sharp** at the appointed time.

Who Can Be Present in the Polling Station

While the poll is open, the following persons can be present in the polling station [S. 69]:

- candidates
- the returning officer and assistant returning officer
- 1 agent for each candidate, who shows his or her appointment and takes the required oath
- a candidate's official agent
- a peace officer, if authorized by the returning officer or the deputy returning officer
- any other person necessary to comply with the *Act* (for example, the friend of an elector who needs assistance in marking a ballot, or an interpreter who cannot speak a language understood by the deputy returning officer).

Mobile Polling Station

A mobile polling station is set up in the same way as a conventional polling station. The deputy returning officer and poll clerk arrive at the site with all the poll materials, and set up the polling station. They have the final list of electors for the polling division being served by the mobile poll. One ballot box can be used, even if the mobile poll is serving more than one polling division. If the mobile poll is serving more than one polling district however, the deputy returning officer should have a ballot box for each one.

Candidates and their agents or representatives can be present at all times during the operation of the mobile poll.

Mobile Poll Operating in More than One Location

If the mobile poll is being used in more than one location, then the following procedure should be used to seal the ballot box. Before a mobile polling station ballot box is moved, the DRO and poll clerk should seal the opening of the box in the same way as an advance poll ballot box is sealed (see subsection 116(3) of the Act). A paper seal is placed over the opening and the seal is initialled by the DRO, the poll clerk and any candidates or agents who wish to do so. The box would then accompany the DRO and poll clerk to the next location. Under no circumstances should the box leave the possession of the DRO or poll clerk. When the box is opened at the next location, the paper seal is removed by the DRO in the presence of the poll clerk and the candidates' agents. The box would be re-sealed at the close of the poll. If the last stop of the mobile poll is prior to 7:00 pm, then the box should be kept in safe custody as the returning officer directs, until the ballots are taken to the designated place to be counted.

Advance Poll

The same procedures are followed for the opening of the advance poll on the first advance poll day as are used for an ordinary poll. At the close of the first advance poll day, the deputy returning officer places a paper seal over the opening of the ballot box, initials it, and allows the poll clerk, candidates, agents or electors representing candidates who are present to also initial it. It is good practice to put the voting materials in a sealed envelope, which has been initialled in such a way that it cannot be disturbed without disturbing the signatures, and then open the envelope in the presence of candidates or agents on the opening of the voting on the second advance poll day. The deputy returning officer would keep custody of the ballot box and voting materials until the second advance poll day. The same voting materials would be used for the second advance poll, and the seal over the opening of the ballot box would be removed, so that ballots can be inserted into the box [S. 116].

VOTING PROCEDURES

Who Can Vote

The following people can vote at a polling station on ordinary polling day [S. 97]:

- a person whose name is on the final list of electors for the polling station
- a person whose name is not on the final list of electors for the polling station, but who follows the procedures in S. 98 of the *Municipal Elections Act* (see p. 53)
- a person who has a transfer certificate to vote at that polling station, or having been issued a transfer certificate, surrenders it to the deputy returning officer of the polling station where his or her name is on the final list of electors (see p.56)

General Procedure

As soon as the polling station is opened, electors are admitted for the purpose of casting their ballots. The following is the standard voting procedure [S. 83]:

- have the elector state his or her name and address to the deputy returning officer and poll clerk
- if the elector's name appears on the list of electors, the **poll clerk** draws a line through the name on the list of electors and enters in the poll book
    - the elector's name and address,
    - his or her number on the list of electors,
    - the consecutive number of the voter, which is prefixed to the elector's name
- if there is an election for both regional or district school board and Conseil scolaire acadien provincial at the polling station, **the elector must be asked if he or she wants to vote for the member of the regional school or for the Conseil scolaire acadien provincial (CSAP)**
- if the elector wishes to vote for regional or district school board, the elector must be asked if he or she wants to vote for the candidate for the local electoral district or for the candidate for African Nova Scotian member of the regional or district school board.

- if the elector wishes to vote for the African Nova Scotian member, the poll clerk must verify that the elector has signed the Statement of African Nova Scotian Elector.

- if the elector wishes to vote for CSAP, the poll clerk must verify that the elector has signed the Statement of a CSAP Elector.

- the deputy returning officer detaches all ballots to be given to the elector from the bound stubs (the counterfoil remains attached to the ballot) and folds each one so that, when folded, his or her initials can be seen without unfolding it

- the deputy returning officer directs the elector to return the ballot papers, when marked, folded as shown, with the counterfoil attached

- the deputy returning officer delivers the ballot papers to the elector (unless the elector is challenged; see below)

- the elector proceeds into the voting compartment, marks the ballot papers, refolds the ballot papers as they were received, so that the initials and the serial number on the counterfoil can be seen without unfolding them [S. 85].

- the elector returns the ballot papers to the deputy returning officer, who, without unfolding them, ascertains by examination of the initials and serial number that they are the same ballot papers that were delivered to the voter

- the deputy returning officer then removes the counterfoil and deposits the ballot papers in the ballot box, in full view of the elector

- as soon as the ballot papers are deposited in the ballot box, the **poll clerk** places in the poll book, next to the elector's name, a check mark under the words "voted for mayor", "voted for councillor", "voted for district member regional or district school board", "voted for African Nova Scotian member", "voted for CSAP", or "voted for other", as the case may be [S. 94].

If asked, the deputy returning officer can explain the method of voting to an elector [S.84]. **The deputy returning officer is not required to explain the qualifications to vote for the Conseil scolaire acadien provincial or for the African Nova Scotian member of the regional or district school board.** If an elector is unsure of whether or not he or she is eligible to vote for either office, the elector should be shown the printed definition, and asked to make up his or her own mind as to their qualifications. Each elector for either office must sign a Statement of entitlement. The Statements must be kept with the other records of the poll.

Sometimes, an elector may decline to vote for a particular office. For example, they may refuse to accept a ballot for school board, even if they are offered one, but take a ballot for council. S. 90 of the *Municipal Elections Act* states that if an elector receives a ballot and then declines to vote, it is considered a "cancelled" ballot. It does not deal with the situation of an elector refusing to accept a ballot to start with. Some returning officers will treat ballots in that situation as "cancelled", in order to match the number of ballots with the number of electors. Others do not. Returning officers should decide how they wish to proceed, and instruct the deputy returning officers accordingly.

Advance Poll

The deputy returning officer and poll clerk for the advance poll would follow the same procedures outlined above with the following **additional requirement: every person applying to vote at the advance poll must take the declaration in Form 36 before being permitted to vote [S. 115].** The declaration states that the elector is qualified to vote at the advance poll. The declaration is taken in front of the deputy returning officer, who is also required to sign a certificate on the form. The forms are kept by the deputy returning officer with the other records of the poll.

The following people are entitled to vote at the advance poll [ss.114(3)]:

- person with a physical disability
- person scheduled to be a hospital patient on ordinary polling day
- person who objects to voting on ordinary polling day by reason of religion or conscience
- person who must work during the whole time the polls are open on ordinary polling day
- a DRO, poll clerk, assistant RO, or candidate's agent
- person who expects to be absent from the municipality during the whole time that the polls are open on ordinary polling day.

Polls in Nursing Homes, Homes for the Aged, or Other Similar Locations

In facilities where the residents are not able to get to the polling station, the deputy returning officer and poll clerk are empowered to temporarily suspend the voting at the polling station, and carry the voting materials from room to room to take the votes of the persons unable to present themselves at the polling station. The deputy returning officer and poll clerk must be accompanied by an officer of the institution, and may be accompanied by not more than one agent of each candidate [S. 88].

If voting is suspended, then the deputy returning officer must post a notice at the polling station indicating when voting will resume.

Challenging an Elector

An elector whose name is on the list of electors can be challenged by a deputy returning officer, a poll clerk, candidate or agent or elector representing a candidate who is present at the polling station. One of these individuals may suspect that the elector is not the person he or she identifies themselves as, or possibly does not meet the qualifications to vote at that polling station. If an elector is challenged, he or she must take the Oath of Qualification in Form 24 in the poll book, before being permitted to vote. **The challenge must be made before the elector is given the ballot papers [ss.83(2)].**

The *Education Act* provides that no person applying to vote for the African Nova Scotian member of the regional or district school board [ss. 42A(5)] or for CSAP [ss. 13(3)(c)] can be required to take an oath attesting to their status as an entitled person or African Nova Scotian. No oaths have been prescribed for that purpose. They could still, of course, be required to take the oath of qualification respecting their general qualifications as electors.

If the elector takes the oath, then he or she must be permitted to vote. The poll clerk would put a check mark under the words “sworn or affirmed” opposite the name of the elector in the poll book.

If the elector refuses to take the oath, then he or she is not given any ballot papers, and cannot be again admitted to the polling station [ss.83(4)]. The elector is not permitted to vote [S. 100]. A DRO who allows an elector to vote who has not taken the oath on request is guilty of an offence [ss.83(5)]. The poll clerk draws erasing lines through the elector's name on the list of electors, and a check mark is placed under the words “refused to swear or affirm” in the poll book.

Cancelled Ballot Papers

A ballot paper is considered to be cancelled in two situations:

- the elector inadvertently deals with the ballot paper so that it cannot be used, or
- the elector receives a ballot paper, and then declines to vote.

In the first case, the elector can return the spoiled ballot paper to the deputy returning officer, who then marks “cancelled” on the back of it, and places it in an envelope. The elector then receives a new ballot paper [S. 89].

In the second case, where the elector declines to vote, the deputy returning officer marks “cancelled” on the back, and places it in an envelope. The elector in the second case is **not** given another ballot paper [S. 90].

Additional Ballot Box Required

If an additional ballot box is required during the course of the time that the polling station is open, because the first one becomes full, the deputy returning officer does the following [S. 95]:

- seals the opening of the first ballot box with a paper seal, and initials the seal, and has the poll clerk and any candidates, agents, or representatives of candidates present who wish, to also initial the seal,
- leaves the ballot box on the table in full view until the ballots are counted, and
- in full view of persons present at the polling station, opens the second ballot box, ascertains that it is empty, seals it, and places it in full view on the table.

Disturbance at the Polling Station

While the polls are open, and during the counting of the ballots, the deputy returning officer has the powers of a constable, and may also order a constable to assist him or her in maintaining peace and good order at the polling station. Specifically, the deputy returning officer can [S. 105]:

- arrest, or cause to be arrested by a constable or peace officer, any person disturbing the peace and good order of the election, or who has disobeyed an order of the returning officer or deputy returning officer; including having the person placed in a jail or lock-up or other convenient place, for as long as one hour after the polls close
- order from the polling place anyone who is intoxicated, or who is causing a disturbance or obstructing the voting, and the person shall not be again admitted to the polling station
- order from the polling place anyone who is not entitled to be there
- order from the polling place or anywhere within 200 feet of the polling place anyone who is loitering or soliciting votes.

Voting at the Closing Hour of the Polling Station

At the hour fixed for closing the polling station (**7:00 p.m on ordinary polling day and 8:00 p.m. on advance polling days)** there may still be voters who have not cast their ballots. In that case the deputy returning officer must:

- make a list of all persons who are either inside the polling station or outside waiting to get into the polling station, and

- keep the polling station open long enough to allow the electors on the list to vote, **but no others can be permitted to vote after the closing hour** [S. 96].

SPECIAL SITUATIONS

Elector Not on the List of Electors

A person who is qualified to vote at a polling station, at either the advance poll or on ordinary polling day, may not have his or her name on the list of electors for that polling station. The deputy returning officer administers the oath required by S. 98 of the *Municipal Elections Act*. The person may vote if:

- he or she presents to the deputy returning officer evidence of identification and residence satisfactory to the deputy returning officer, **and**

- he or she swears or affirms to and signs the oath in Form 31.

The deputy returning officer then adds the elector's name to the final list of electors, and permits the person to vote [S. 98]. The poll clerk puts a check mark under the word "added", opposite the name of the elector who has been added pursuant to Section 98 [S. 94].

A candidate, agent, or elector representing a candidate can object to the person who is voting, and the poll clerk notes the objection in the poll book.

A concern has been expressed that the oaths required for this purpose require the elector to attest that he or she has lived at a certain place for the 3 months preceding ordinary polling day. At the **advance poll,** the oath is taken several days before ordinary polling day. This is not a problem as long as the date that the oath is taken is completed at the bottom of the form by the DRO.

Persons Qualified to Vote Only for School Board

Remember, for a person to be eligible to vote in a municipal election, he or she must have 3 months residency in the municipality prior to election day. The person must vote where he or she resides on election day. Therefore, if a person moves from one municipality to another within these 3 months, he or she is not eligible to vote for municipal council in either location. However, because the "school regions or school districts" of both the regional and district school boards and CSAP can take in more than one municipality, a person may move from one municipality to another, but remain within the "school region or school district". In that case, the elector can vote for school board, even if he or she cannot vote for council.

Regional or District School Board (Including African Nova Scotian Member)

The deputy returning officer would follow the same procedure as is used to swear in voters for the municipal election. He or she would ask to see identification to ensure residency in the polling division. The elector would have to take the oath in Form 31A instead of Form 31. Form 31A is the oath of qualification for an elector who is qualified to vote for the regional or district school board only because he or she has moved outside the municipality but within the school board region or district in the past three months.

CSAP

The deputy returning officer would also ask for identification from the CSAP elector. He or she would then take the oath in Form 31B. This oath is for an "entitled person" who can vote for CSAP but not the council because he or she has moved outside the municipality but has lived in the Province in the last three months.

In these two situations, the deputy returning officer would not add the names of the electors to the final list of electors because they have not resided in the municipality for the three months preceding election day.

French translations of the forms relating to CSAP will be available at the back of the office consolidation of the *Municipal Elections Act*. The relevant translations should be copied and given to DROs for use on polling day.

Voting by Electors Requiring Assistance

Where an elector cannot mark his or her own ballot because he or she is blind, is unable to read, or has a physical disability which prevents the marking of his or her own ballot, that elector may vote by a friend. The deputy returning officer must ask the elector to take the oath in Form 25 in the poll book. The friend of the elector must take the oath in Form 26 [S. 86].

Once the oaths are taken, the friend can accompany the elector into the voting compartment and assist him or her in marking the ballot.

If the elector so requests, the deputy returning officer can act as the friend of the elector. In that case, the oath in Form 26 is not required.

Once the ballot has been marked in accordance with this procedure, the **poll clerk** notes in the poll book, opposite the name of the elector, the reason why the ballot was marked by a friend, the name of the friend, and the fact that the oaths were taken [ss.86(3)].

Elector Requiring an Interpreter

If the deputy returning officer does not understand the language spoken by an elector and is satisfied that the elector does not understand the election procedure, the deputy returning officer must try to find an interpreter, who can be the means of communication between the deputy returning officer and the elector. The interpreter must take the oath in Form 27 prior to undertaking his or her responsibilities. The elector cannot vote until the interpreter is found [S. 87].

Errors in Particulars on the List of Electors

If the name and address given by an elector corresponds so closely to the name and address on the final list of electors that it appears probable to the deputy returning officer that the entry on the list is intended to refer to the elector, the elector can vote if he or she takes the oath in Form 28 in the poll book prior to receiving a ballot [S. 92]. A poll official or candidate's representative may ask the elector to take the Oath of Qualification. If the elector refuses to take that oath, he or she is not permitted to vote [S.100].

The **poll clerk** enters in the poll book

- the correct name of the elector
- the taking of any oaths.

Personated Elector

If an elector applies to vote after another person has already voted as such elector, the elector may vote if

- he or she produces evidence of identification and residence satisfactory to the deputy returning officer, in the presence of other poll officials, and
- he or she takes the oath in Form 29 in the poll book
- he or she takes the Oath of Qualification, if so requested, by a poll official or a candidate's representative.

The poll clerk enters in the poll book, after the name of the elector,

- that the elector voted on a second ballot paper issued to him or her,
- any oaths that were taken.

If the elector refuses to take the Oath of Qualification after being requested to, he or she cannot vote [S. 100].

Voting by Proxy

Voting by proxy is allowed **only on ordinary polling day.** **There is no proxy voting at the advance poll**. That is because all advance poll voters must take the declaration. As the declaration must be taken by the voter personally, the proxy voter cannot take the oath on behalf of the person who appointed the proxy voter.

In order to vote by proxy, the elector's proxy voter must [S.99]:

- go to the polling station where the elector's name is on the list of electors
- deliver to the deputy returning officer the proxy paper
- swear and sign the Affidavit of Proxy Voter in Form 32 in the poll book.

The poll clerk enters a check mark under the column marked "by proxy", in the record of poll in the poll book, opposite the name of the elector.

Voting by Transfer Certificate

If an elector has been issued a transfer certificate, he or she can either

(A) vote at the polling station for which he has a transfer certificate, OR

(B) vote at the polling station where his or her name is on the list of electors.

In either case, the elector must surrender the original transfer certificate to the deputy returning officer at the polling station prior to being permitted to vote [S. 97].

The deputy returning officer must take note of whether the transfer certificate presented is in Form 19 or Form 20. If an elector has a certificate in Form 19, then he or she can vote for all offices for which ballots have been issued for that polling station. If the elector has a transfer certificate in Form 20, however, **note that there are restrictions on which ballots can be issued to the elector, and ballots can be issued only for those offices or matters stated in the certificate.**

POLLING DAY ACTIVITIES

The following are common questions that arise on election day:

Are signs, badges or other advertising materials permitted near a polling station?

Section 155 of the *Municipal Elections Act* prohibits the posting or displaying of any promotional material in, or within 200 feet of, a polling place or the building in which a polling place is situated. The Section also prohibits a person wearing a ribbon or badge disclosing the person as a supporter of a candidate anywhere during the hours of polling on ordinary polling day. As well, the section prohibits anyone from supplying, carrying or using a loud speaker, public address system, flag or banner to support a candidate, or organizing or participating in a parade that supports a candidate, on ordinary polling day.

May candidates line up at the doorways of polling stations to greet voters?

Section 105 permits a returning officer or a DRO to order from the polling place or the area within 200 feet of the polling place anyone who is loitering or soliciting votes. This would include candidates. Bear in mind, however, the candidates are permitted to be in the polling place during poll hours (S.69). It may be difficult to determine when the candidate moves from greeting his or her workers to soliciting votes in the polling place. A returning officer or DRO may cause to be arrested anyone disobeying an order of the returning officer or DRO. If candidates are not going to be permitted to stand by the doorways, they should be told so in advance. This may discourage the practice and prevent any misunderstanding on election day.

Are employees entitled to time off with pay for voting?

There is no provision in the *Municipal Elections Act* which allows employees time off work for voting purposes. Therefore, this is left to the terms of any collective agreement or contract of employment between the employer and the employee. With two days of advance polling, and with ordinary polling day on Saturday, most people will have sufficient time to cast a ballot. In some cases, persons employed on twelve-hour shifts may not be able to vote at either the advance or ordinary polls. In that case, the proxy vote may be an option for them.

Is a candidate permitted to advertise on the radio or in the newspaper on ordinary polling day?

There is no restriction in the *Municipal Elections Act* on election-day advertising.

Will liquor outlets be open for business?

The sale of liquor on ordinary polling day is not prohibited.

Is smoking permitted in polling places?

Whether or not smoking is permitted in polling places should reflect the current smoking policy of the municipality. Polling stations are, by extension, municipal facilities while the poll is open, and, if smoking is prohibited in municipal facilities, then it should also be prohibited in the polls. If smoking is prohibited in the polls, then signs should be posted to that effect. If poll officials smoke, then they should be advised to wait until there is a lull in the voting, and then go outside the premises to smoke.

CLOSING THE POLLING STATION

Who Can Be Present When the Poll Closes

At the close of the poll, the following people can remain in the polling station, besides the deputy returning officer and the poll clerk [S. 106]:

- candidates
- agents and electors representing candidates.

Candidates should be encouraged to have their representatives present in the polling stations at least as soon as the polls close. The counting procedure takes place "at the close of the poll" and in the presence of the "candidates, agents and electors representing candidates who are present".

Getting Ready for the Count of the Ballots

As soon as the poll closes, the deputy returning officer does the following [S.106]:

- **Completes the Record of Poll (Form 30).** The DRO must count the number of voters who are recorded in the Record of Poll as having voted at the polling station and writes after the last entry in the book, **"The number of electors who voted at this election in this polling station is (state the number)".** The DRO then **signs** the Record of Poll following the notation of the number of voters.

- **For each matter for which a poll has been granted, begin completion of a Statement of Poll (Form 34 or 34A)** . Form 33 is used when there is only one person to be elected or one matter to be voted on (plebiscite). Form 34 is used when more than one person is to be elected (such as a council at large) or more than one matter to be voted on. Form 34A is used when school board ballots must be transferred for counting as fewer than 10 people voted. Fill in the top portion of each Form. Depending on what is being voted on at the polling station, there could be as many as 6 different Statements of Poll to be completed.

- Open the envelope containing the **cancelled ballot papers,** count the ones cancelled for each office or matter, and mark the number cancelled for each office or matter on the front of the envelope, and then return them to the envelope. Seal and initial the envelope.

- Count the **unused ballot papers,** which are undetached from the books, and mark the number on the outside of an envelope. Place the unused ballots, together with the stubs of all used ballot papers, into the envelope, and seal and initial the envelope.

- **On each Statement of Poll, record:**
    - the number of blank ballots received from the returning officer
    - the number of ballots from the advance poll (if applicable) - see below
    - total number of ballots to be accounted for.

Advance Poll

The deputy returning officer and poll clerk for the advance poll would follow the same procedure after the close of the advance poll on the second day. As well, the deputy returning officer must complete the following [S. 116]:

- seal the slit in the top of the ballot box with a seal, initial it, and ask all those present whether they would like to initial it
- on the envelope containing the unused ballots and stubs, write the serial number of the seal used for sealing the ballot box
- fasten the poll book, the envelopes containing the unused and cancelled ballot papers securely to the ballot box
- complete Form 37, the List of Persons Who Have Voted at the Advance Poll [S. 117]
- deliver the ballot box, and all other voting materials, and Form 37 to the returning officer, unless directed otherwise.

Fewer than 10 People Voted at the Advance Poll for any one Office or Matter

After the close of the second advance poll, the returning officer will know whether fewer than ten persons vote for candidates for any one office or for any one matter at the advance polling station. If so, the *Municipal Elections Act* sets out a choice of special procedures to be followed in S.119 and S.123A. The object of both of the procedures is to protect the secrecy of the vote.

Subsection 116(9) prohibits opening an advance poll ballot box until the polls close on ordinary polling day. Section 119 is an exception to this rule because, where fewer than ten persons vote for candidates for any one office at an advance polling station, the ballot box may be opened during poll hours on ordinary polling day to separate the ballots into groups so that they can be delivered and counted in accordance with that Section. When determining the time and place for the advance poll box to be opened, the returning officer should allow enough time for the ballots to be delivered to the appropriate polling stations before the polls close, and preferably in time to avoid the usual last minute rush before polls close.

Under S.119, the following must be done by the deputy returning officer of the advance poll, under the direction of the returning officer:

- during voting hours on ordinary polling day, the deputy returning officer opens the advance poll ballot box, in the presence of the poll clerks, candidates and agents who are present;
- without looking at the front of the ballots, separates them into the offices or matters which are being voted on (this is where the different colours of ballot papers is important);
- places the ballots for each office or thing in separate envelopes; remembering that all ballots for offices to be elected at large can go into one envelope;
- seals the envelopes and records the number of ballots on each one;
- signs across the seals and asks the poll clerk and anyone else who wishes to sign to do so;
- delivers the ballots to the polling station designated by the returning officer;
- at the polling station, the deputy returning officer, in full view of all present, opens the envelope given to him or her by the deputy returning officer for the advance poll, and places the ballots individually into the ballot box, without opening it.

The advance poll ballots are then counted and reported with the ballots from that polling station.

Alternately, due to amendments made June 8, 2000, a returning officer can choose to count the advance poll ballots in the same way as the ordinary polling day ballots. The ballots for offices for which ten or more voted would be counted on ordinary polling day, after the polls close, in accordance with S.120, while the ballots for any school board offices for which fewer than ten people voted at the advance poll polling station would be counted in accordance with S.123A, at a time later than ordinary polling day and by a counting officer. See the notes below under "Counting the Ballots".

A returning officer can choose which method of counting is appropriate. If there are less than ten votes for a council office or a plebiscite, the count must be under S.119. If there are less than ten votes only for a school board office, the returning officer has the choice. If there are a large number of ballots cast for the other offices or a large number of advance poll polling stations where fewer than 10 voted for a school board office, the returning officer likely will choose to do the count under S.120 and S.123A.

COUNTING THE BALLOTS

As soon as the first three entries on the individual Statements of Poll have been completed as set out above, the ballot box is opened, and the ballots are emptied onto the table and sorted according to each office or matter for which a poll was granted [S.107]. The different colours of the ballots will assist in sorting.

If each polling station has been supplied with a ballot box for each office or matter to be voted on at the polling station, then the boxes would be opened as the count for each office or matter is conducted.

Fewer Than 10 People Voted for a School Board member at the Polling Station

Without looking at the school board ballots, determine whether there are less than 10 ballots cast for EITHER the regional or district school board, the African Nova Scotian member of the regional or district school board, or the CSAP at the polling station. Where there are fewer than 10 votes for an office, the deputy returning officer completes the Statement of Poll for the election in Form 34A.

The ballots and the Statement of Poll are then sealed in an envelope, on which is endorsed the number of ballots that it contains, and the office being elected. The deputy returning officer seals the envelope, and signs across the seal. The poll clerk and any others present also sign across the seal.

These ballots are **NOT COUNTED** at the polling station, but are transferred to the returning officer when the polls close [S. 123A]. These rules are in place to protect the privacy of the vote.

Counting the Ballots

Once the ballots are sorted, the deputy returning officer gives a tally sheet (Form 35) to the poll clerk and to each of the others present who requests one.

The deputy returning officer then proceeds to count the ballots, in the following order:

1. Mayor, if applicable.
2. Councillor(s)
3. Regional or district school board district member(s)
4. African Nova Scotian member of the regional or district school board
5. Conseil scolaire acadien provincial member(s)
6. Plebiscite(s)

In counting these ballots, the deputy returning officer must give the persons present an opportunity to examine each ballot [ss.107(2)], but this does not mean that it is to be passed around. Rather, it is examined visually while being held by the deputy returning officer. **Although those present can object to a ballot being counted, the decision on whether or not to count a ballot rests with the deputy returning officer.** If the deputy returning officer decides to count the ballot, he or she calls out the vote, and the poll clerk and others enter it on their tally sheets.

Objections

If an agent objects to a ballot being counted, then the deputy returning officer is required to take note of the objection, but makes the decision on whether or not to count it [S. 109]. Once a ballot has been objected to, the deputy returning officer numbers and initials the back of the ballot, and records the nature of the objection with the corresponding number.

Rejection of a Ballot

The following ballots must be rejected by the deputy returning officer [S. 108]:

- ballots that have not been supplied by him or her;
- ballots that have not been marked for any candidate;
- ballots on which votes have been given for more than the number of candidates to be elected;
- ballots that have not been marked within the circular space on the ballot paper at the right of the name of the candidate; except that no ballot shall be rejected by reason that the mark is partially outside the circular space, where there is no uncertainty for which candidate or candidates the voter has voted;
- ballots that have not been marked by an "X", a cross or a check mark, or facsimile thereof;
- ballots that have been so marked to render it uncertain for which candidate or candidates the voter has voted; or
- ballots upon which there is any writing or mark by which the voter can be identified, or that have been so torn, defaced or otherwise dealt with by the voter that he can be identified. **No ballot is rejected because of any word, letter or mark written or made or omitted to be written or made by the deputy returning officer.**

Where the deputy returning officer decides to reject a ballot, he or she writes "rejected" on the back of the ballot and initials the endorsement. If anyone present objects to the rejection, then the deputy returning officer further endorses the ballot with the words "rejection objected to" and initials that endorsement.

Irregular Ballots

Two types of "irregular ballots" can be found during the count [S. 110]:

1. Ballots with the counterfoil still attached. In that case, the deputy returning officer, in full view of all present, conceals the number of the counterfoil, and does not examine it himself, and then removes and destroys it.

2. Ballots without the initials of the DRO. If the deputy returning officer is satisfied that it is a ballot that he or she supplied, the DRO then affixes his or her initials to it and proceeds to count it.

Completing the Statement of Poll

Once the count for each office or matter is complete, the deputy returning officer completes the Statement of Poll for that office prior to commencing the count for the next one [ss.107(3)]. Sufficient copies of the Statements have to be made so that a representative or agent of a candidate who is present during the count can have one, if requested [ss.111(4)] **One copy of the Statement of Poll must be left in the poll book.** The Statements are signed by the deputy returning officer and poll clerk, and others who are present if they so desire.

Securing the Election Materials

Once the Statements of Poll have been completed, the deputy returning officer does the following [S. 111]:

- where ballots are marked for only one candidate or matter, places the ballots in separate envelopes for each candidate or matter;
- where ballots are marked for more than one candidate or matter, places the ballots in one envelope;
- places the rejected ballots in one envelope;
- writes on **each envelope**
    - the contents
    - the number of ballots enclosed
    - the serial number of the seal used to seal the ballot box

- signs and seals each envelope and has the poll clerk and anyone else who wishes to also sign across the flap of the envelope, so that the envelope cannot be opened without disturbing the signatures.

- place all the signed Statements of entitlement for the African Nova Scotian electors (if applicable) and the CSAP electors (if applicable) in the poll book.

- **all the envelopes, the list of electors, the list of objections, and all other materials used at the polling station EXCEPT THE STATEMENTS OF POLL, THE POLL BOOK AND ANY ENVELOPE CONTAINING FEWER THAN 10 SCHOOL BOARD BALLOTS (see p. 61) are placed in the ballot box and the ballot box is then sealed, including sealing the slot at the top.**

Return of Materials to the Returning Officer

The voting materials **must** be returned to the returning officer on election night, when counting has concluded. This is because, for a number of cases, the school board ballots will still have to be counted, and delay will hamper the ability of the school board returning officers to get the count completed prior to the official addition. Therefore, returning officers for geographically large municipalities will have to devise a method for getting the materials to them, either by sending a messenger to retrieve them, or by making arrangements with the individual deputy returning officers to have the materials delivered [S. 112].

The returning officer, on receiving the sealed ballot box, should examine it and make sure that it is in good order. If it is not properly sealed, another seal should be affixed to it, and a notation made of the condition of the box. The returned materials should be kept in a safe and secure location [S. 124].

If the poll book or the statement of poll is inadvertently sealed in the box, it may be opened in the presence of the returning officer. The poll book or the statement of poll can be removed, and the box then promptly resealed [S. 113].

If the municipal returning officer is not the returning officer for the school board election(s), then he or she should be sure to deliver the statements of poll for the school board election(s) to the appropriate returning officer prior to the official addition of the results. Election-night counts should be telephoned to the school board returning officer(s), so that results can be tallied for the school board candidates.

Count of School Board Ballots

Each municipal returning officer will have to determine the number of school board ballots from each polling station in the municipality. When the results are telephoned in, be sure to inquire whether there will be school board ballots to be counted later, because there were fewer than 10 votes cast at the polling station. Be on the look-out for them.

The envelopes containing the uncounted school board ballots and the statements of poll must be collected by the returning officer from all affected polling stations in the municipality. These envelopes **must be transmitted to the returning officer for the school board electoral district**, as soon as possible, preferably within 24 hours. Prior to sending the envelopes, the municipal returning officer must notify the returning officer for the school board election of the status of the count from each polling station in the municipality.

Where the returning officer for a school board electoral district is receiving uncounted ballots from a municipal returning officer, the school board returning officer appoints a **counting officer,** who will count the ballots for each candidate that are returned uncounted from the polling stations. The school board returning officer must notify each candidate of the day, time and place where the ballots will be counted, as the ballots must be counted in the presence of the candidates or their agents. The count **must take place prior to the official addition of the votes,** which takes place on Tuesday, October 24, 2000 at 10:00 a.m.

Procedure for Counting the School Board Ballots Where Less than 10 Voted at the Polling Station

In the presence of the candidates and agents who are present, the counting officer opens all the envelopes containing the uncounted ballots, intermingles the ballots, and proceeds the count them.

A tally sheet should be provided to each person present, and the count of the ballots would proceed as described above.

Completion of the Statement of Poll

Once the count is complete, the counting officer would complete the Statement of Poll in Form 44 or 45, and have all those present who wish to sign, to also approve and sign the statement. Form 44 is used when only one school board member is to be elected, and Form 45 is used when more than one is to be elected from a school board electoral district.

Once the Statement of Poll is complete, the counting officer should affix to it the partial Statements of Poll completed at each polling station, and provide it to the returning officer for the school board election.

All the ballots counted by the counting officer, along with the endorsed envelopes from each polling station, should be sealed in an envelope. The counting officer and anyone else present should sign across the seal in such a way that the envelope cannot be opened without disturbing the signatures.

Once the counting officer has tallied the votes, the returning officer for the school board can give an unofficial announcement of the results.

OFFICIAL ADDITION OF THE VOTES

The official addition of the votes takes place on the third day after ordinary polling day, which is Tuesday, October 24, 2000. It is held at the returning officer's headquarters, starting at 10:00 a.m. [S. 125].

Procedure on Official Addition

The returning officer conducts the official addition in the presence of candidates and agents who are present. The official addition determines the number of votes cast for each candidate in each polling station in the municipality. The official addition for the school board candidates is conducted by the returning officers responsible for the school board elections [S.5].

The official addition requires the returning officer to ascertain the number of votes for each candidate by examining the statements of poll from each polling station. The statements of poll which are examined are the ones that remain in each poll book, with the exception of polls where the votes were counted by a counting officer. If a statement of poll is not available in a poll book, then the returning officer gets the information from one that is in the possession of the deputy returning officer, a candidate or agent, but the correctness of the statement must be verified on oath by the deputy returning officer or poll clerk [ss.125(2)].

If there is no Statement of Poll available at all, then the returning officer ascertains the number of votes for each candidate from the endorsements on the envelopes in the ballot box which contain the ballots cast for each candidate. If these are not available, then the totals can be obtained from the deputy returning officer or poll clerk, or from any evidence that the returning officer can obtain [ss.126(1)].

If necessary, the returning officer can summon any person with information, and require their presence, along with any relevant documentation. They can also be examined under oath. If such a step is required, the returning officer should give notice to the candidates and their official agents of the time and place where the examination will occur [ss.126(2)].

If it is necessary to open the ballot box to get the necessary information, then the returning officer reseals the ballot box as soon as the count is complete [S. 127].

Recapitulation Sheet

As soon as the official addition is concluded, the returning officer completes the recapitulation sheet, Form 38. A separate recapitulation sheet is completed for each matter or office for which a vote was held. A copy of the recapitulation sheet is provided to each candidate, by personal delivery or registered mail. A copy of the recapitulation sheet is also provided to the clerk of the municipality or the secretary of the school board, as the case may be. If the number of votes cast for a candidate had to be obtained other than by reference to a Statement of Poll, then the recapitulation sheet must be accompanied by an explanation of how the results were determined [S. 128].

DECLARATION OF ELECTION AND ADMINISTERING OATH OF OFFICE

Declaration of Election

Where there is an election, the clerk declares elected the successful candidate(s) at the first regular or special meeting of council after the time for application for a recount has expired, with their terms of office. A recount must be applied for within 10 days after ordinary polling day.

Where there has been a recount, the declaration of election of the successful candidate(s) takes place at the first regular or special meeting of council after the recapitulation sheet has been received from the judge.

Where a candidate has been elected by acclamation, the clerk declares elected the candidate at the first meeting of council after ordinary polling day.

School board candidates are sworn in in accordance with S.50 of the *Education Act*.

Oath of Office for Councillor

Section 147 of the *Municipal Elections Act* provides that a council member must be sworn into office by taking the Oath of Allegiance and of Office in Form 39. The oath is administered by a judge, a justice of the peace, the mayor or warden, or the municipal clerk.

AFTER THE ELECTION

There are two election-related responsibilities after the election, which are the responsibility of the **municipal clerk**:

1. Refund of Nomination Deposit

In a municipality where the nomination paper must be accompanied by a deposit of two hundred dollars or a smaller amount determined by the Council, the clerk is required to refund

(a) the entire deposit to a candidate who was elected or who polled at least half of the number of votes polled by the successful candidate; or

(b) half of the deposit to a candidate who polled less than half of the number of votes polled by the successful candidate,

where the candidate files an affidavit in Form 12 within seven days after ordinary polling day. The affidavit generally states that all advertising and election materials have been removed. If the affidavit is not filed with the returning officer within seven days after ordinary polling day, the deposit is forfeited whether or not the election advertising or material has been removed or is removed later.

It is an offence for a candidate to fail to remove all advertising material from public places within seven days after a notice is served upon the candidate by the clerk. The notice cannot be issued until after polling day.

Where there is more than one successful candidate, the calculation made to determine half of the votes of the successful candidate is based on the successful candidate having the smallest number of votes. For example, if candidate A and B were elected after candidate A received 100 votes, candidate B received 50 votes and candidate C received 35 votes, candidate C would be entitled to the refund of his deposit because he would have received at least half of the number of votes received by candidate B.

Subsection 51(5) provides for the immediate return of the deposit of a candidate who was elected by acclamation, once that candidate has filed an affidavit in Form 12. Form 12 refers to the removal of material and in some cases a candidate elected by acclamation may never have posted or displayed any advertising. In that case, the affidavit in Form 12 is still satisfactory or it can be varied to state that no advertising or election materials were posted or displayed.

2. Return of Campaign Finance Disclosure Forms

Within 60 days of ordinary polling day, **(by December 27, 2000)**, the candidates and their associations must file their Campaign Finance Disclosure Forms, Form 40 or Form 41, respectively [ss.49A(8)]. The forms are filed with the municipal clerk for council candidates, and with the secretary of the school board, for school board candidates. The forms must be signed by the official agent for either the candidate or the association. Only candidates who are nominated and run in the election need to file disclosure statements.

Each Disclosure Form must show the name and address of each contributor whose contributions exceed $50.00 since April 1, 1999. The disclosure period ends on October 21, 2000.

The clerk or the secretary of the school board must allow the disclosure statements to be examined at their office, during regular office hours. Copies can be made on payment of a reasonable fee [S.49B].

RECOUNTS AND CHALLENGES

Recount

In the case of a tie after the official addition of votes, the returning officer applies for a judicial recount. This is automatic and does not require an application by either of the candidates [S.130].

At any time within ten days after ordinary polling day, the municipal clerk, if authorized by the Council, any candidate or any elector may apply to a judge of the Supreme Court or the Provincial Court for a recount. The first decision the Judge must make is what time and place to appoint for the recount, such time to be not more than 30 days after the date of the application [S.132].

Subject to other directions given by the Court, it is suggested that a person applying for a recount make an application for a hearing before the Court to determine the time and place to be appointed for the recount. At this hearing all interested parties may make submissions regarding the most convenient time and place. This procedure may be especially important if one of the parties wishes a recount to be completed before the first Council meeting because that person wants to participate in the selection of the warden.

After hearing persons who appear at the first application to fix the date, the judge will make an order determining the time and place for the recount and giving directions regarding the service of notice of that time and place. The applicant should bring it to the judge's attention that the Act provides that the recount should take place within thirty days of the application. It is suggested that the applicant should have a blank order available for completion by the judge when the time and place is determined and copies of that order can be given immediately to the other persons present. Subject to directions which may be given by the Court, that should be sufficient written notice of the recount for those persons.

Suggested forms of the application and the order fixing the time and place of the recount appear in Appendix "G". These forms have not been approved by a Court, and a judge hearing an application may wish to have the matter proceed in an entirely different manner. The judge's instructions in that regard must be followed.

It may be noted that the person applying for a recount must deposit $200.00 with the clerk of the court before the application proceeds. This $200.00 is available as security for costs. The judge has the discretion to make an order regarding the disposition of that money at the end of the recount and may make a further order respecting the payment of costs by any party.

Application to Set Aside Election

Where an elector, including a candidate, believes that an irregularity has occurred during the election which was of such importance that it might have changed the result of the election, the elector is entitled to make an application to a Supreme Court judge to have the election set aside [S.158]. The application must be commenced within twenty-one days after ordinary polling day. When the application is filed with the Clerk of the Supreme Court, the sum of $500.00 must be deposited as security for costs. At the conclusion of the application, the judge may make whatever order he or she sees fit respecting costs, including the disposition of the money that is deposited as security for costs.

This application will lead to a trial in the same manner as any other lawsuit. Therefore, in almost all cases it will be necessary to arrange for a lawyer to prepare the documents for filing and to conduct the trial.

The duty of the judge hearing an application of this type is to determine, first, whether there was an irregularity and, second, whether that irregularity was of sufficient significance to have affected the result of the election. An election is set aside only where there is an irregularity of that importance.

If an application to set aside an election is based on an allegation that an action taken or decision made at the recount was not in accordance with the *Municipal Elections Act*, subsection 158(6) of that Act permits a court to extend the time for commencing the application.

SPECIAL ELECTIONS

Section 13 of the *Municipal Elections Act* sets out the procedures for a special election. Clause 13(1)(b) says a special election must be conducted as nearly as may be possible in accordance with the provisions governing a regular election. However, there are differences. A suggested calendar for a special election is produced in Appendix "E".

Requirement for a Special Election

A special election must be held when there is a vacancy on council or school board. A vacancy occurs when:

- an insufficient number of candidates are nominated to fill the vacancies at a regular or special election, or
- a councillor or school board member dies, resigns, becomes disqualified

or forfeits office [ss.13(1)].

The only exception to the requirement to hold a special election is if the vacancy occurs within the 6 months preceding ordinary polling day for a regular election. In that case, there is no requirement to fill the vacancy unless council, the school board or the Minister determines otherwise [ss.13(8)].

Date for Special Election

The date for a special election for council must be set by council **within four weeks** of the date of the vacancy [ss.13(1)]. If there is no regular meeting of council scheduled, then a special meeting must be called for that purpose.

If the vacancy is on the school board, then the secretary of the school board should contact the affected municipalities to consult with the municipal returning officer prior to setting a date for the special election. In the case where the electoral district for the school board contains more than one municipality, contact should first be made with the returning officer for the municipality who had previously conducted the general election for the school board seat.

The date for the special election must be on a Saturday, not more than 10 weeks after the meeting of council (or school board) at which the date was named.

Returning Officer for Special Election

Special elections for council are conducted by the municipal returning officers.

For vacancies on the school board, if the vacancy is in an electoral district covering more than one municipality, there must be agreement between the municipal returning officers involved to administer the special election for the school board [S. 5]. A school board does have the option, however, to administer the special election using its own returning officer [*Education Act, ss. 48(3)].*

Conduct of Special Election

A special election must be conducted "as nearly as may be possible" in accordance with the provisions of a regular election. A suggested calendar is produced in Appendix "E". You will note from the calendar that it is very difficult to hold a special election in a time frame of less than then 10 weeks, although it is possible if the advertising schedule can be accommodated. One thing to bear in mind is that there is an extra week in the regular election calendar, so that there is more time to accommodate the ads. For municipalities that generally advertise in weekly newspapers, it can be difficult to get the ads placed exactly in accordance with the schedule in the *Municipal Elections Act.*

List of Electors

For a special election, council can approve the use of a list of electors from another jurisdiction (federal or provincial), or approve the use of the list of electors from the last regular election [ss. 30(2)]. These lists function as preliminary lists, and are revised in the same manner as the preliminary lists are revised during a regular election [ss.30(3)].

Nominations

There are some differences in procedure for nominations in regular elections and special elections. **Nomination day** for a special election for council or school board (with the exception of the position of Mayor) is the **third Monday preceding ordinary polling day [ss. 13(3)].**

However, if the vacancy to be filled is in the office of **mayor**, **nomination day is the fourth Wednesday preceding ordinary polling day [ss. 13(4)].**

If a councillor files nomination papers to run for Mayor, then his council seat becomes vacant. The nomination day to fill the vacant council seat is still the third Monday preceding ordinary polling day [ss. 13(5)], which allows the vacancy to be filled at the same special election. However, there is little time between the two nomination days and therefore a returning officer should mention the circumstances in which a vacancy for councillor can occur when he or she advertises for the date of the special election and the fact that nominations are open for mayor.

No member of a school board is qualified to run for council during a special election [ss.18(2)].

Advance Poll

The requirements for advance polls are the same for special elections as for regular elections: there must be two, the mandatory one being on the Tuesday before ordinary polling day, with the second being either on the Saturday or the Thursday before the mandatory day.

APPENDICES

APPENDIX "A"

A GUIDE TO ENUMERATORS
FOR
MUNICIPAL AND SCHOOL BOARD ELECTIONS
IN
NOVA SCOTIA

Introduction

As enumerators, you have the important responsibility to prepare preliminary lists of electors qualified to vote on polling day. An accurate list of electors means that there will be a smooth election on polling day, as there will be fewer voters who must be sworn in to vote. As well, if a voter is going to be absent on election day, he or she can only vote by proxy if his or her name is on the list of electors.

Accuracy, thoroughness, and neatness are basic to your work. Errors cause needless delays and problems for revisers and other election officials. As well, members of the public may be irritated if they have to go to revisers to correct mistakes.

The enumeration procedures are laid down in the *Municipal Elections Act*, which applies to all municipal and school board elections throughout the province. The Act must be followed for accurate reference if there is any inconsistency between it and this guide.

Offices for Election

The voter's list that you are assisting to prepare will be used for the council and school board elections in your municipality.

Enumerator's Supplies

You will have a list of your supplies from your returning officer. There should be the following:

(1) a copy of this guide or other suitable written instructions
(2) your appointment in Form 5
(3) a description of the boundaries of the polling division for which you are to prepare the list of voters
(4) stationery
(5) sufficient index sheets (Form 6 or 6A or the form chosen by your returning officer)
(6) sufficient call back cards
(7) an identification badge
(8) the form for certifying completion of enumeration (Form 7)

Enumeration Area or Polling Division [S.9]

A list of electors is prepared for every polling division in the municipality. A polling division is a geographic area that contains the number of electors that can conveniently be accommodated at a particular polling station. The returning officer will have provided you with a description of the polling division that you are assigned to cover.

Public Relations

Your work will be that much easier if you are personable and courteous. Be sure to observe at least the following points:

(1) Wear your identification badge, if one is supplied.

(2) Greet people cheerfully.

(3) Introduce yourself.

(4) Explain that you are preparing the list of electors for the coming municipal and school board elections (including the *Conseil scolaire acadien provincial* (CSAP)).

Names of Eligible Voters

Briefly outline the qualifications to vote in the municipal and regional or district school board election, i.e.; age, citizenship, residency requirements.

Obtain the names of eligible voters from an adult person, being careful to include all qualified members of the family as well as any roomers and boarders.

Ask for the mailing address of the voter, if that is required by your returning officer.

Qualifications of Electors

All voters in municipal elections must meet the following qualifications:

(a) be of the full age of 18 years on ordinary polling day

(b) be a Canadian citizen on ordinary polling day

(c) have been ordinarily resident in the municipality for a period of three months preceding ordinary polling day (October 21, 2000).

Meaning of "Ordinary Residence"

The place where a person is ordinarily resident is defined as follows:

For a **married person,** his/her ordinary residence is the place where his family lives and sleeps and to which, when away, he intends to return; or if he/she is living apart from his family with the intent to remain so apart from it, then at the place where he usually lives and sleeps and to which, when away, he intends to return, without regard to where he takes his meals or is employed.

For an **unmarried person,** his/her ordinary residence is at the place where he usually lives and sleeps, and to which, when away, he intends to return, without regard to where he takes his meals or is employed or where his family lives and sleeps.

For an **unmarried student having a family home in the Province,** he/she is ordinarily resident where that home is.

Persons with Mental Illness

Persons who may be regarded as having a mental illness or a mental disability are entitled to vote.

If you have a psychiatric facility in your polling division, consult the Administrator or other person in charge to determine whether any patients are receiving such long term treatment as to be regarded as a "resident" in the facility.

Enumerators should be guided by the advice of the person in charge of the facility, although the enumerators make the final decision whether or not to include a person on the list of qualified electors.

Bear in mind that all qualified voters must be able to identify themselves to election officers, and to indicate that they wish to vote. If you have a doubt, resolve that doubt by including the name on the list. If you have any questions, consult the returning officer.

Landed Immigrants and Non-Resident Property Owners

It is necessary that a person be a Canadian citizen in order to vote. At one time "British subjects" could vote in a municipal election, but that is no longer the case.

As well, the fact that one owns property in the municipality does not qualify someone to vote in the municipal election. In order to vote, the person must be "ordinarily resident" in the municipality.

House-to-House Visits and Call Back Cards [S.24]

(1) Enumerators are required to visit each dwelling place at least twice unless they are satisfied that every qualified elector residing there has been registered.

(2) If there is no one at home on your visits, leave a call back card prescribed by the returning officer. A suggested version of the card is shown below:

NOTICE OF ENUMERATION

Enumerators for your polling division received no answer when they visited to obtain the name and address of each person qualified to vote at the general municipal election for mayor and councillors, and school board members for the municipality of ____________________ to be held on the __________ day of ________ 2000.

Please contact the returning officer (Registrar of Voters):

John Doe
266 Water Street
Digby, Nova Scotia
247-4444

(3) If, on your second visit, you still find no one at home, you may get the information from another source such as a reliable neighbour.

(4) Make sure that you have not missed any dwelling place in your polling division. Be on the lookout for dwellings that may not be obvious, such as apartments over stores or in back of premises.

(5) If you are unsure of the boundaries of the polling division that you are enumerating, be sure to ask your returning officer. It is important not to enumerate outside the boundaries of your polling division. Having people enumerated by two sets of enumerators is confusing, both for the public and the returning officer.

Refusing to be Enumerated

A voter can refuse to be enumerated. If a voter tells you that he does not want to be enumerated, then you must make a note of the address of the individual, and of the fact that the occupant(s) of the dwelling refused to be enumerated, and tell the returning officer.

Preparing Index Sheets (Form 6 and 6A)

(1) When making house-to-house visits, you may use the Index Sheets or any prescribed record book to record the given name and surname (family name) and address (including the postal code) of each eligible voter. Whether or not a postal code is required may depend upon whether your municipality mails voter information cards to the electors on the list. Your returning officer will instruct you on whether the address on the list is the civic address, the mailing address, or both. Ideally, both addresses would be obtained if a mailing is planned.

(2) After you have made all the necessary visits and have obtained the required particulars, if using Form 6, group the names of voters in alphabetical order according to their surnames so that all the A's, B's, C's and so on are in separate groups. A returning officer may determine that a list organized by civic address is to be used in which case, the names of the electors are listed according to the name of the street, avenue or road on which they live. Form 6A, or a similar form, may be used. The geographical locations should be sorted in alphabetical order. The names of those living on each street, avenue or road are sorted so that they are listed according to the street number and apartment number of their residence from the lowest number to the highest number.

(3) It is a useful practice to place the names of husband, wife, and children of the same family name one after the other on the list.

(4) No prefix such as Mr., Ms. or Dr. is to be used.

(5) Once names are sorted and grouped, they are ready for entry on the index sheets, in print or type, using capital letters.

(6) Complete the top section of the index sheets to show the polling division number and any other details prescribed by the returning officer.

(7) If using Form 6, list all electors with surnames beginning with the letter "A". Skip two or three lines before listing those starting with the letter "B". Continue in this manner until all voters are listed. The lines left between each group permit the addition of names if you discover an error or receive last minute information. If using another form, get instructions from the returning officer.

(8) Number each name consecutively, from the first name on page one to the last name on the last Index Sheet. This gives each voter a separate number and shows the total number of voters registered on the preliminary list in the polling station.

(9) Check to see that you have not left out or duplicated any names. Make separate counts of the names you started with and of the names grouped as in step 2. The respective totals should agree with the last figure in the consecutive number column, which is the total number of enumerated voters in the polling division appearing on the preliminary list.

(10) **Do not include** any records where persons have refused to be enumerated.

(11) Illustrations of partly completed index sheets are shown on the next two pages.

(12) Complete the **certificate in Form 7, as follows**:

> **"I/We, the undersigned enumerator(s), certify that I/we have taken all necessary precautions and care to ensure that the index sheets attached contain correct information concerning the qualified electors in Polling Division Number _______ and do not contain the names of any persons who are not so qualified.**
>
> **Dated this______day of _____, 2000.**

____

____

Enumerator(s)

APPENDIX "A"

SAMPLE

FORM 6

SECTION 25

INDEX SHEET
(Alphabetical)

Polling Division Number 15

Consecutive Numbers	Name (Surname First)	Civic Address	Mailing Address (if necessary)	Postal Code (if necessary)
1	ABBOTT, John	3550 Lahey Rd.	Dartmouth	B2Y 2K7
2	ABBOTT, Mary	3550 Laney Rd.	Dartmouth	B2Y 2K7
3	ABRAHAM, Susan	1544 Pleasant St.	Dartmouth	B2Y 3E5
4	ANDERSON, Eric	1051 Portland St.	Dartmouth	B2Y 2E4
5	BARTON, Grace	1880 Victoria Rd.,	Dartmouth	B2Y 3P2
6	BEATTIE, Tim	652 Oak St.	Dartmouth	B2Y 2J6
7	BURKE, Wilfred	2950 Windmill Rd.	Dartmouth	B2Y 2V9

APPENDIX "A"

SAMPLE

FORM 6A

SECTION 25

INDEX SHEET
(by Civic Address)

Polling Division Number 20

Consecutive Numbers	Civic Number	Name (Surname First)	Mailing Address (if necessary)	Postal Code (if necessary)
HIGHWAY 358, SMITH'S COVE				
1	113	BROWN, John		B2B 1X0
2	113	BROWN, Mary		B2B 1X0
3	114	WHITE, Ann		B2B 1X2
4	114	WHITE, Frank		B2B 1X2
5	114	WHITE, Fred		B2B 1X2
6	116	BLACK, Jane, Apt. 1		B2B 1X2
7	116	BLACK, Robert, Apt. 1		B2B 1X2
8	116	BURKE, Wilfred, Apt. 2		B2B 1X2
RIVER ROAD, SMITH'S COVE				
9	224	GREENE, Thomas		B2B 1E0
10	226	JONES, Catherine, Apt. 1		B2B 1E0
11	226	ABBOTT, John, Apt. 2		B2B 1E0
12	226	BARTON, Grace, Apt. 3		B2B 1E0
13	226	MACDONALD, Susan, Apt. 12		B2B 1E0

Return of Materials [S.27]

On completing your work, sign Form 7 and return it along with all used and unused index sheets to the returning officer or registrar of voters. Other items to be returned will be indicated by the appropriate official.

Your returning officer will tell you the date by which the materials are to be returned to him or her.

RETURNING OFFICER'S SUMMARY

IMPORTANT PROVISIONS OF THE MUNICIPAL ELECTIONS ACT RESPECTING ENUMERATION

Appointment

The returning officer shall appoint a sufficient number of enumerators to complete an enumeration of the electors residing in each polling district or polling division within a polling district [S.23(1)].

Description of Polling Division

The returning officer or registrar of voters shall provide the enumerators with a detailed and accurate description of the polling division for which the enumerators have been appointed [S.23(2)].

Oath of Office

An enumerator shall take the oath in Form 5 in the Schedule before entering upon the duties of his or her office [s. 23(3)].

Dismissal

A returning officer may for cause dismiss and replace an enumerator, and may appoint an enumerator in the place of one who resigns, dies or becomes incapacitated or may direct a substitute enumerator to act [s.23(4)].

Upon request in writing signed by the returning officer, an enumerator so replaced shall forthwith give up the enumerators' index sheets and other papers which he or she has received as an enumerator to the person designated by the returning officer [s.23(5)].

When to Commence Enumeration

The enumerators shall, on or before the last day of May in a regular election year, proceed to ascertain the full name and address of every person qualified to vote in the election in each polling division for which they have been appointed [S.24(1)].

Dwelling Places to Include

The enumerators shall visit each dwelling place, including nursing homes, senior citizens' homes, rooming houses, and homes for the aged, in the polling divisions for which they have been appointed for the purpose of obtaining the names and addresses of all qualified electors [s.24(2)]

Additional Visits

The enumerators shall visit, at least a second time, each dwelling place in their divisions from which they were unable to obtain the names of all qualified electors the first time [s.24(3)].

If the enumerators are unable to obtain the names and addresses by the visits, then they may obtain them from any other reliable sources of information available to them [s.24(4)].

Refusal to be Enumerated

A person may refuse to be enumerated [29A]. When this happens, the enumerator should record the address on a list in Form 6B. No information is recorded on the index sheets. This list is confidential. It is to be used by the Returning Officer or registrar of voters only.

Use of Call Back Cards

Where, on a visit to a dwelling place, the enumerators are unable to communicate with any person from whom they could secure the names and particulars of the qualified electors residing at the dwelling place, the enumerators shall leave at the dwelling place a notification card, as prescribed by the returning officer, on which shall be stated

(a) the purpose of the enumeration;

(b) the name, telephone number and office address of the returning officer or, if one has been appointed, the registrar of voters for the municipality [s. 24(5)].

Registration on Index Sheets

The enumerators shall register on index sheets in Form 6 or 6A or in such other manner as may be prescribed by the returning officer,

(a) the name of each elector under the given names and surname by which the elector is known in the polling division; and

(b) the address of each elector.

There shall be separate index sheets kept for each polling division within a polling district [s. 25].

Accurate Entries

The enumerators shall take all necessary precautions and care to ensure that their index sheets, when completed,

(a) contain the correct name and address of every qualified elector in the polling division;

(b) do not contain the name of a person who is not qualified; and

(c) do not duplicate any names [S.26].

Transmission of Completed List

Not later than June 10 the enumerators shall:

(a) complete the certificate in Form 7 on the last page of the index sheets; and

(b) deliver to the returning officer or registrar of voters the index sheets completed as prescribed [s.27].

Offence

Every one who impedes or obstructs an enumerator in the performance of duties under this Act is guilty of an offence against this Act [S.28].

Loss of Pay for Omissions

If the enumerators have left off a substantial number of persons from the preliminary list of electors, the returning officer or registrar of voters

(a) may appoint additional enumerators to register the names omitted from the list and add the same; and

(b) may deduct the cost of such additional enumerators from the fees otherwise payable to the enumerators who omitted the names [S.29].

Who is a Qualified Elector?

The *Municipal Elections Act* states:

> 14 Subject of the other provisions of this Act, every person who
>
> (a) is of the full age of eighteen years on ordinary polling day;
>
> (b) is a Canadian citizen on ordinary polling day; and
>
> (c) has been ordinarily resident in the municipality or in an area annexed to the municipality for a period of three months immediately preceding ordinary polling day and continues to so reside,
>
> is entitled to be registered on the list of electors and to vote.
>
> 15 The following persons shall not be entitled to be registered on the list of electors or to vote:
>
> (a) the returning officer;
>
> (b) (repealed);
>
> (c) a person serving a sentence in a penal or reform institution;
>
> or
>
> (d) (repealed);
>
> (e) a person who has been convicted of bribery under this Act in the six years preceding ordinary polling day.

Ordinary Residence

Generally speaking, the place where a person is ordinarily resident is dependent on their status, and is defined as follows [s.16]:

Married Person

(a) if the person is a married person

(i) at the place where his family lives and sleeps and to which, when away, he intends to return; or

(ii) if he is living apart from his family with the intent to remain so apart from it, then at the place where he usually lives and sleeps and to which, when away, he intends to return, without regard to where he takes his meals or is employed; and

Unmarried Person

(b) if the person is not married, at the place where he usually lives and sleeps, and to which, when away, he intends to return, without regard to where he takes his meals or is employed or where his family lives and sleeps [S.16].

Unmarried Student

Where a person is an unmarried student having a family home in the province, he is ordinarily resident where that home is.

British Subjects

There was a section in the Act which qualified British subjects to vote. It was repealed November 1, 1994. The British government has abolished the category. After November 1, 1994, only Canadian citizens are qualified to vote in municipal elections in Nova Scotia.

Appendix "B"

Instructions for Deputy Returning Officers and Poll Clerks

Note for Returning Officers on the Use of these Instructions

These Instructions for Deputy Returning Officers and Poll Clerks are done for election day only, and do not include the special requirements for advance poll and mobile poll voting.

These procedures will have to be separately explained to the DROs and Polls Clerks working at those polling stations.

APPENDIX "B"

INSTRUCTIONS
TO
DEPUTY RETURNING OFFICERS, POLL CLERKS, AND CANDIDATES' AGENTS
AT
MUNICIPAL ELECTIONS

Introduction

As deputy returning officer or poll clerk, you have been vested with considerable public trust in your appointment. In turn, you must act strictly in conformity with the required procedures to ensure a proper conduct of the election.

The basic election procedures are spelled out in the *Municipal Elections Act* which regulates all matters concerning municipal and school board elections. The Act must be followed for accurate reference if there is any conflict between it and these instructions.

Responsibilities of Deputy Returning Officer and Poll Clerk

As deputy returning officer, you are the person who:

- is in charge of a particular polling station on voting day.
- has the custody of the voting materials and is responsible for setting up the poll prior to the beginning of voting on election day.
- is responsible for closing the polling station and for counting the ballots.
- reports the results to the municipal returning officer.
- ensures the safe return of the voting materials to the returning officer when the count is finished.

The poll clerk has the important responsibility of keeping the written record of the voting at the polling station by making the appropriate entries in the poll book. The poll clerk must also be able to assume the role of the deputy returning officer should that person not be able to either assume or continue his or her duties.

Oath of Office

Each person acting as a deputy returning officer or poll clerk must complete the Oath of Office in Form 2. The Oath states that an election official must carry out his or her duties "faithfully and impartially", and will maintain the secrecy of the vote.

Polling Station Supplies

The returning officer will supply you with the following items for the polling station; in order to conduct the vote:

- ballot box(es). Your returning officer may give you one for each office to be elected, or more than one if the ballots for all offices are to be placed in one ballot box and sorted before the count
- ballot papers for each office to be elected or question to be voted on at your polling station. The ballot papers will be stitched into books. Ballots for each office or matter to be voted on will be a different colour
- a statement showing the number of ballot papers supplied, with their serial numbers
- pencils or pens for the marking of the ballots
- 2 copies of the directions to electors (Form 23)
- voting compartment
- copy of the *Municipal Elections Act*, and any other instructions prescribed by the returning officer
- final list of electors for the polling station, which will have had crossed off the names of the electors who voted at the advance poll
- poll book
- Statements to be signed by African Nova Scotian electors and CSAP electors
- ballot box seals
- envelopes for cancelled ballots, and to seal the ballots in after the count

- a copy of any proxy papers or transfer certificates issued for your polling station
- any other materials prescribed by the returning officer

The deputy returning officer is responsible for the safekeeping of these supplies from the time that the returning officer issues them to you until the opening of the poll on election day.

Opening the Polling Station

You should report to your polling station **at least 20 minutes prior to the opening of the poll: at 7:40 a.m. The poll must open at 8:00 a.m. sharp.**

Be sure that the polling station is set up so that the deputy returning officer and poll clerk are sitting at one table, large enough to hold the ballot box. The voting table must be in full view of the deputy returning officer and poll clerk, and set up with a voting screen so that an elector can mark his or her ballot in secret. Ensure that the pencil or pen to mark the ballot is located in the voting compartment.

Depending on the number of candidates that appear on the ballot(s) at the polling station, the candidates' agents can either be seated at the table with the deputy returning officer and poll clerk, or seated at a separate table where they can observe the voting procedure.

In the full view of the poll clerk and any candidates, agents or electors representing candidates who are present, you must:

- post the directions to electors (Form 23) in the polling station, one in a conspicuous place outside of and near to the polling station, and one in the voting compartment of the polling station;
- count the ballot papers and permit any candidate, agent, or elector who is present to inspect and count them;
- open or assemble the ballot box, ascertain that it is empty, seal it and place it on the table in full view of all present, where it remains sealed until the close of the poll;
- initial the ballot papers in the space provided, without removing them from the books, either in pencil or pen. The same writing instrument must be used to initial all ballot papers at the polling station.

- remove any partisan material on the premises of the polling station;
- ensure that there is a Bible for taking oaths.

If there is more than one polling station in the polling location, each polling station should be identified by the poll number.

Who Can Be Present in the Polling Station

While the poll is open, the following people can be present in the polling station:

- candidates (Note, however, that candidates cannot "loiter or solicit votes" - discussed in greater detail below.)
- the returning officer and assistant returning officer
- 1 agent for each candidate, who shows his or her appointment in Form 15 and who takes the required oath in Form 16 in the poll book
- a candidate's official agent, who shows his or her appointment in Form 17
- a peace officer, if authorized by the returning officer or deputy returning officer
- any other person necessary to comply with the *Act*, such as a friend of the elector or an interpreter

Candidates' Agents

Each officially nominated candidate is entitled to be represented by an agent at each polling station. The agents can:

- observe the voting procedure,
- challenge an elector, by asking for the oath of qualification,
- view the poll book, at times when there is a lull in voting, and
- witness the count of the ballots.

Before allowing a candidate's agent into the polling station, you must ensure that he or she has an appointment in Form 15, for the polling station. Form 15 has the name and address of the agent, and designates the polling station at which he or she is to act. **Only one agent for each candidate can be present in the polling station during polling hours,** but the agent does not have to stay, and other authorized agents can be present through the day, as long as each has an appointment for the particular polling station.

Some candidates will have what are commonly referred to as “inside” and “outside” agents. An “inside” agent is one with an appointment to the polling station. The “outside” agent is the one who collects information about who has voted, so that known supporters of the candidate can be encouraged or assisted to go to the poll if they have not been out to vote. Check with your returning officer about whether to permit outside agents into the polling station.

Remember, a candidate can act as his or her own agent.

VOTING PROCEDURE

Who Can Vote

The following people can vote:

- a person whose name is on the final list of electors for your polling station;
- a person whose name is not on the final list of electors, but who takes the required oath(s) and presents you with the appropriate identification (see below); and
- a person who has a transfer certificate to vote at your polling station, or who is on the final list of electors for your polling station and surrenders the original transfer certificate to you prior to voting.

General Procedure

The following is the standard voting procedure:

- have the elector state his or her name and address to you and the poll clerk

- if the elector's name appears on the final list of electors, the poll clerk draws a line through the name on the list and enters in the poll book:

  - the elector's name and address
  - the elector's number on the list of electors
  - the consecutive number of the voter, which is prefixed to the elector's name

- if there is an election for both regional or district school board and Conseil scolaire acadien provincial (CSAP) at the polling station, **the elector must be asked if he or she wants to vote for the member of the regional or district school board or for the member(s) of CSAP**

- if the elector wishes to vote for the CSAP member, the poll clerk must verify that the elector has signed the Statement that the elector is a CSAP elector. The signed Statement is kept to put with the poll book.

- if the elector wishes to vote for regional or district school board, the elector must be asked if he or she wants to vote for the candidate for the local electoral district or for the candidate for African Nova Scotian member of the regional or district school board.

- if the elector wishes to vote for the African Nova Scotian member, the poll clerk must verify that the elector has signed the Statement of qualification that the elector is an African Nova Scotian elector. The signed Statement is kept to be put with the poll book.

- detach all ballots to be given to an elector from the bound stubs (the counterfoil remains attached to the ballot) and folds each one so that, when folded your initials can be seen without unfolding it

- deliver the ballot paper(s) to the elector (unless the elector is challenged; see below)

- the elector proceeds into the voting compartment, marks the ballot paper(s), refolds them as they were received, so that the initials and the serial number on the counterfoil(s) can be seen without unfolding the ballot

- the elector returns the ballot papers to the deputy returning officer, who, without unfolding them, ascertains by examination of the initials and serial number that they are the same ballot paper(s) that were delivered to the voter

- remove the counterfoil and deposit the ballot paper(s) in the ballot box(es), in full view of the elector
- as soon as the ballot papers are deposited in the ballot box, the poll clerk places in the poll book, next to the elector's name, a check mark under the words "voted for mayor", "voted for councillor", "voted for district member regional or district school board", "voted for African Nova Scotian member regional or district school board", "voted for CSAP", or "voted for other', as the case may be.

If you are asked, you can explain the method of voting to an elector.

CHALLENGING AN ELECTOR

An elector whose name is on the list of electors can be challenged by a deputy returning officer, a poll clerk, candidate or agent or elector representing a candidate who is present in the polling station. One of these individuals may suspect that the elector is not the person he or she identifies themselves as, or that the elector does not meet the qualifications to vote at that polling station. If an elector is challenged, he or she must take the Oath of Qualification, in Form 24 in the poll book, before being permitted to vote. **The challenge must be made before the elector is given the ballot paper(s).**

If the elector takes the oath, then he or she must be permitted to vote. The poll clerk puts a check mark under the words "sworn or affirmed" opposite the name of the elector in the poll book.

If the elector refuses to take the oath, then he or she is not given the ballot paper(s), and is not allowed to vote. The poll clerk who draws erasing lines through the elector's name on the list of electors, and places a check mark under the words "refuses to swear or affirm" in the poll book.

The elector cannot again be admitted to the polling station. A deputy returning officer who allows an elector to vote who has not taken the oath on request is guilty of an offence.

No person applying to vote for the African Nova Scotian member for the regional or district school board or CSAP can be challenged as to their status to vote for either of these two offices. The signed Statement of entitlement is sufficient evidence as to their status as an African Nova Scotian or an "entitled person" (CSAP). They only may be challenged on the basis of their other qualifications as electors.

CANCELLED BALLOT PAPERS

A ballot paper is treated as a **cancelled ballot paper in two situations:**

- an elector inadvertently deals with the ballot paper so that it cannot be used, or
- the elector receives a ballot paper, and then declines to vote.

In the first case, the elector can return the spoiled ballot paper to you. Mark "cancelled" on the back , and, without showing it to any other person, place it in the envelope designated for cancelled ballot papers. The elector can then receive another ballot paper.

In the second case, where the elector declines to vote, you mark "cancelled" on the back, and place it in the envelope for cancelled ballots. The elector is **not** given another ballot paper.

ELECTOR NOT ON THE LIST OF ELECTORS

General Rule

A person whose name is not on the list of electors for the polling station may have his or her name added to it, provided that he or she is qualified to vote at that location. If someone applies to be added to the list of electors, the following steps should be taken:

- You must be shown evidence of the identification and residence satisfactory to you. This evidence usually consists of documents bearing the name and address of the elector, such that you can verify his or her residence in the polling division.

  Some examples would be: a driver's licence, a personalized cheque, a utility bill, or other bills, such as for credit cards. Some people may also have passports or health cards, which would serve as identification, but not necessarily current residence.

- Once you are satisfied as to the elector's residence in the polling division, the elector must **swear (or solemnly affirm) and sign** Form 31 in the poll book.

- Once the oath is taken (after presentation of suitable identification), the elector is entitled to vote.
- The poll clerk puts the name in the poll book and puts a check mark under the word "added" in the poll book.
- If the elector consents on Form 31 to being added to the Voters List, the name of the elector is added to the list of electors.

Exception - Elector Can Vote Only for School Board

You will note that the Oath in Form 31 states the residency requirement is "three months in the municipality". This is the requirement to vote for municipal council. It happens that some electors will move within the 3 month period before election day, and are therefore unable to vote for council. They may still, however, be able to vote for regional or district school board, provided that they have moved within the "school region". The school region is the area that is the jurisdiction of the school board. For CSAP, the "school region" is the entire province. Therefore, an individual could be qualified to vote for school board only at the polling station. Deputy returning officers should ask anyone who has not resided long enough in the municipality to vote for council if he or she moved from within the school region, and offer a vote for school board. In that case, the electors must

- show the deputy returning officer suitable identification to establish residency in the polling division, and
- **swear (or solemnly affirm)** the Oath of Qualification in Form 31A in the poll book (for regional or district school board electors) **or** Form 31B in the poll book (for CSAP electors).

Note that the names of these electors **are not** added to the list of electors, as they are not qualified voters in the municipality. Also note that CSAP and African Nova Scotian electors also will have to sign Statements of qualification.

SPECIAL SITUATIONS

1. Voting by Electors Requiring Assistance

Where an elector cannot mark his or her own ballot because of blindness, illiteracy, or a physical disability which prevents him or her from marking a ballot independently, the elector may vote by a friend. You must:

- ask the elector to take the oath in Form 25 in the poll book, and
- ask the friend of the elector to take the oath in Form 26 in the poll book.

The elector and the friend can then both go into the voting compartment, where the friend can assist the elector in marking the ballot.

If the elector so requests, the deputy returning officer can act as the friend of the elector. The deputy returning officer is **not** required to take the oath in Form 26.

Once the ballot has been returned, the poll clerk notes in the poll book, opposite the name of the elector,

- the reason why the ballot was marked by a friend
- the name of the friend
- the fact that the oaths were taken.

2. Elector Requiring an Interpreter

If you do not understand the language spoken by an elector, and you are satisfied that the elector does not understand the election procedure, you must find an interpreter. The elector cannot vote until an interpreter is found. The interpreter acts as the means of communication between the deputy returning officer and the elector.

The interpreter takes the oath in Form 27 in the poll book prior to undertaking his or her responsibilities.

3. Errors in Particulars on the List of Electors

If a person applies to vote using a name and address that correspond so closely to the name and address on the list of electors that you consider it probable that the entry on the list is intended to refer to the elector, the elector can vote if he or she takes the oath in Form 28 in the poll book, prior to receiving a ballot.

The poll clerk enters in the poll book:

- the correct name of the elector, and
- the taking of any oaths.

4. Personated Elector

If an elector applies to vote after another person has already voted as that elector, the elector may still vote if:

- he or she produces evidence of identification and residence to the deputy returning officer, in the presence of other poll officials, and
- he or she takes the oath in Form 29 in the poll book.

The poll clerk enters in the poll book, after the name of the elector,

- that the elector voted on a second ballot paper issued to him or her, and
- any oaths that were taken.

VOTING BY PROXY

A proxy vote must be exercised at the polling station where the name of the elector who gave the proxy vote is on the list of electors. Remember, the proxy voter is exercising the vote of a person **who is on the list of electors for your polling station.** When someone applies to exercise a proxy vote:

- check that the name of the person who gave the proxy vote is on the list of electors
- ask the person to deliver to you the proxy paper issued by the returning officer (you should have a duplicate of the proxy paper)
- have the proxy voter **swear (or solemnly affirm) and sign** the oath in Form 32 in the poll book.

The poll clerk enters a check mark under the column marked “by proxy” in the record of poll, opposite the name of the elector.

If an elector has indicated that he or she is going to vote by proxy, then that is the method of voting that must be employed. If a person who has given a proxy vote appears to vote in person, he or she should be informed that their proxy vote is still in effect, and must be exercised.

VOTING BY TRANSFER CERTIFICATE

An elector who has been issued a transfer certificate can vote EITHER at the polling station where his or her name is on the list of electors, OR at the polling station to which they have transferred. You will have a copy of any transfer certificates issued for electors whose names are on the list of electors for your polling station. In either case, the elector must surrender the original transfer certificate to the deputy returning officer.

If an elector presents a transfer certificate in **Form 20,** note carefully which offices or matters the elector is entitled to vote for, and give the elector those particular ballots **only.**

USE OF AN ADDITIONAL BALLOT BOX

If the first ballot box that was put into use when the poll opens becomes full, a deputy returning officer can begin using a second one. In that case, the following steps should be taken:

- the opening of the first ballot box must be sealed with a paper seal, and you and the poll clerk, and any candidates, agents or representatives of candidates present who wish to do so, must initial the seal;
- the sealed ballot box must be left on the table in full view until the counted;
- in full view of the persons present at the polling station, you must open the second ballot box, ascertain that it is empty, seal it, and place it in full view on the table.

ADDITION OF ADVANCE POLL VOTES

Where small numbers of voters have voted for any office at the advance poll, the returning officer can direct that the ballots be added to the votes being cast at another polling station in the polling district. If these votes are to be added to the ballot box for your polling station, the procedure to be followed is:

- during the day that the polls are open, you will receive from the deputy returning officer for the advance poll a sealed envelope or envelopes containing the ballots that are to be added to the ballot box. There will be a separate envelope with ballots for each office or matter being voted on. The number of ballots in each envelope will be shown on the outside of the envelope.

- you then open the envelope containing the ballots and, in full view of all present, place the ballots individually into the ballot box. The ballot box is not opened.

These ballots are then counted and reported from the ordinary polling station.

SIGNS, BADGES OR ADVERTISING MATERIAL IN AND AROUND THE POLLING STATION

1. No one can enter a polling station wearing a badge or emblem that supports a candidate.

2. No signs or banners can be posted or displayed in the building containing a polling station, or be within 200 feet of the building containing the polling station. If you get a complaint about signs, refer it to your returning officer.

DISTURBANCE AT THE POLLING STATION

While the polls are open, and during the counting of the ballots, deputy returning officers have the powers of a constable, and may also order constables to assist them in maintaining peace and good order at the polling station. Specifically, a deputy returning officer can:

- arrest or cause to be arrested by a constable or peace officer, any person disturbing the peace and good order of the election, or who has disobeyed an order of the returning officer or deputy returning officer, including having the person placed in a jail or lock-up or other convenient place, for as long as one hour after the polls close;

- order from the polling place anyone who anyone who is intoxicated, or who is causing a disturbance or obstructing the voting. The person is not to be admitted again to the polling station;

- order from the polling station anyone who is not entitled to be there;
- order from the polling place or the area within 200 feet of the polling place anyone who is loitering or soliciting votes.

Sometimes, concerns are raised about the presence of candidates at the entrance to polling stations. In some places, candidates congregate and "greet" voters going into the polling station. If you think that a candidate has crossed from greeting electors or his or her agents at the polling station into "loitering or soliciting votes", then they would be subject to being ordered from the polling place, or the area within 200 feet of the polling place.

CLOSING THE POLLING STATION

Voting at the Closing Hour of the Polling Station

The poll must close at 7:00 p.m. There may still be voters who have not cast their ballots at that time, and who are waiting to do so. In that case you must:

- make a list of all persons who are either inside the polling station or outside waiting to get into the polling station, and
- keep the polling station open long enough to allow the electors on the list to vote, **but no others can be permitted to vote after the closing hour.**

Who Can Be Present When the Poll Closes

At the close of the poll, the following people can remain in the polling station, besides the deputy returning officer and the poll clerk:

- candidates,
- agents and electors representing candidates.

Getting Ready for the Count of the Ballots

As soon as the poll closes, the deputy returning officer does the following:

- **Completes the record of poll (Form 30).** The DRO must count the number of voters who are recorded in the Record of Poll as having voted at the polling station and writes after the last entry in the book: **"The number of electors who voted at this polling station is (state the number)".** The DRO then **signs** the Record of Poll following the notation of the number of voters.

- **For each matter for which a poll has been granted for the polling station, begins completion of a Statement of Poll, in either Form 33 [used when only one person to be elected or one matter to be voted on (plebiscite)], Form 34 [used when more than one person to be elected (council at large)] or Form 34A [used when less than 10 electors voted for a school board member].** Fill in the top portion of each form. Depending on what is being voted on at the polling station, there could be as many as 6 different Statements of Poll to be completed.

- **Opens the envelope containing the cancelled ballot papers, counts how many have been cancelled for each office, and records the number on the front of the envelope.** Return them to the envelope and seal and initial the envelope.

- **Counts the unused ballot papers,** which are undetached from the books, and mark the number of them for each office or matter on the outside of an envelope. Place the unused ballots, together with the stubs of all used ballot papers, into the envelope, and seal and initial the envelope.

- **On each Statement of Poll, records:**

    - the number of blank ballots received from the returning officer for that office or matter

    - the number of ballots added from the advance poll, if applicable

    - the total number of ballots to be accounted for.

COUNTING THE BALLOTS

Depending on whether your polling station has been issued a different ballot box for each office or matter to be voted on, or has all ballots for all offices or matters placed in one ballot box, there will be different "first step" in beginning the count. The ballots must be counted in the following order:

1. **Mayor, if applicable**
2. **Councillor(s)**
3. **Regional or district school board district member(s)**
4. **African Nova Scotian member of the regional or district school board**
5. **Conseil scolaire acadien provincial (CSAP) member(s)**
6. **Plebiscite(s)**

If the ballots for all offices or matters are in one ballot box, then the ballot box is opened, and the ballots are emptied onto the table and sorted according to each office or matter for which a poll was granted. The ballot for each office or matter is a different colour.

If separate ballot boxes are used for each office or matter, then the boxes can remain sealed until the deputy returning officer is ready to count the ballots for that office or matter.

Procedure Where there are Fewer than 10 Votes for a School Board Office

In order to protect the ballot secrecy, where small numbers of persons have voted for a school board office, the ballots can be transferred to the returning officer to be counted and reported collectively. Where the ballot box has been opened in order for the ballots to be sorted, the deputy returning officer should determine the number of ballots that have been cast for either the regional or district school board district member, the African Nova Scotian member of the regional or district school board, or for the CSAP member. **Without unfolding the ballots, the deputy returning officer counts the number of ballots cast for each school board office.** Information can also be obtained from checking "Voted For..." column in the Record of Poll in the poll book.

Where the school board ballots have been placed in a separate ballot box, then the procedure outlined below would also be followed, once it has been determined that there were fewer than 10 votes for the office.

If FEWER THAN 10 ELECTORS VOTED FOR EITHER THE REGIONAL OR DISTRICT SCHOOL BOARD DISTRICT CANDIDATE, THE AFRICAN NOVA SCOTIAN MEMBER OF THE REGIONAL OR DISTRICT SCHOOL BOARD OR THE CSAP CANDIDATE, then the following steps must be taken by the deputy

returning officer:

1. Complete the Statement of Poll in Form 34A.

2. Seal the Statement of Poll and the ballots in an envelope, on which the deputy returning officer has written
    - the number of ballots in the envelope
    - the office for which the ballots have been cast.

3. Initial and/or sign the seal, and have the poll clerk and any others present in the polling station sign the seal, if they wish.

These ballots are **NOT COUNTED** at the polling station, but are to be delivered to the returning officer with all the other polling station materials, after the count of the remaining ballots is complete and all remaining Statements of Poll have been completed.

Counting the Ballots

The ballots should be emptied onto the table, and sorted if required. Give a tally sheet (Form 35) in the poll book to the poll clerk, and each of the other persons present who requests one. There is room at the top of the tally sheet to fill in the names of the candidates who are running for election for that office at the polling station.

You then proceed to count the ballots by examining each one and deciding whether it should be counted or rejected.

The persons present must be given an opportunity to examine each ballot. **Do not pass the ballot around.** The ballot can be examined visually but still be held by the deputy returning officer.

If you decide to count the ballot, call out the name of the candidate for whom the ballot has been marked, and the poll clerk records the vote on the tally sheet.

Objections

Although those present can object to a ballot being counted, the decision on whether or not to count the ballot is made by the deputy returning officer. You must make a note of the objection by

- numbering the ballot objected to, and initialling the back of it, and
- recording the nature of the objection, along with the corresponding number.

Rejection of a Ballot

The following ballots must be **rejected:**

- ballots that have not been supplied by the deputy returning officer,
- ballots that have not been marked for any candidate,
- ballots on which votes have been given for more than the number of candidates to be elected,
- ballots that have not been marked within the circular space on the ballot paper at the right of the name of the candidate; except that no ballot shall be rejected by reason that the mark is partially outside the circular space, where there is no uncertainty for which candidate or candidates the voter has voted;
- ballots that have not been marked by an "X", a cross, a check mark or a facsimile thereof;
- ballots that have been so marked to render it uncertain for which candidate or candidates the voter has voted; or
- ballots upon which there is any writing or mark by which the voter can be identified, or that has been so torn, defaced or otherwise dealt with by the voter that he can be identified.

No ballot is rejected because of any word, letter or mark written or made or omitted to be written or made by the deputy returning officer.

Where you decide to reject a ballot, write "rejected" on the back of the ballot and initial the endorsement. If anyone present objects to the rejection, add the words "rejection objected to" on the back of the ballot, and also initial that endorsement. The DRO decides on the objection raised.

Irregular Ballots

Two types of "irregular ballots" can be found during the count:

1. **Ballots with the counterfoil still attached.** In that case, in full view of all present, you conceal the number of the counterfoil, do not examine it yourself, and then remove it and destroy it.

2. **Ballots without the initial of the DRO.** If you are satisfied that the ballot is one that you supplied, place your initials on it and proceed to count it, unless you determine that it should be rejected for another reason.

COMPLETING THE STATEMENT(S) OF POLL

Once the count for each office or matter is complete, complete the Statement of Poll for that office or matter prior to commencing the count for the next one. Sufficient copies of the Statement of Poll must be made so that each representative or agent of a candidate who is present can have one, if requested. **One copy of the Statement of Poll must be left in the poll book.** The Statements of Poll are signed by the deputy returning officer and poll clerk, and any others who are present who wish to do so.

SECURING THE ELECTION MATERIALS

Once the Statements of Poll have been completed, the election materials must be secured. The following steps must be taken:

1. Where ballots are marked for only one candidate or matter, place the ballots in separate envelopes for each candidate or matter.

Where ballots are marked for more than one candidate or matter, place the ballots in one envelope.

2. Place the **rejected ballots** in one envelope.

3. Write on **each envelope:**

- the contents (e.g. ballots for _______)
- the number of ballots enclosed
- the serial number of the seal used to seal the ballot box

4. Sign and seal each envelope and have the poll clerk and anyone else present who wishes to do so to sign across the flap of the envelope, so that the envelope cannot be opened without disturbing the signatures.

5. Set aside and DO NOT PLACE IN THE BALLOT BOX OR OTHER CONTAINER

- any envelopes containing school board ballots that must be counted and the partially completed statement of poll
- the statements of poll
- the poll book
- signed Statements of African Nova Scotian Electors or Statements of CSAP Electors.

6. Place the following in the ballot box or other container supplied to you by the returning officer:

- all the envelopes, EXCEPT for any envelopes containing school board ballots that must be returned to the returning officer for counting.
- the list of electors
- the list of objections
- all other materials used at the polling station EXCEPT the statements of poll and the poll book and the signed Statements of African Nova Scotian Electors and CSAP Electors.

Return all the items in #5 and #6 to the returning officer, as directed by him or her.

APPENDIX "C"

Advertisement #1

MUNICIPAL ELECTIONS

MUNICIPALITY/TOWN/REGIONAL MUNICIPALITY OF

____

NOTICE

POSTING OF PRELIMINARY LISTS OF ELECTORS

AND

REVISIONS TO THE PRELIMINARY LISTS

TAKE NOTICE that the preliminary lists of electors for use during the municipal election in the Municipality/Town/Regional Municipality of ___________________ to be held on Saturday, October ___, _____, have been posted and the lists may inspected at the following places Monday through Friday between 9:00 am and 4:00 pm:

All Polling Districts	Office of the Municipal Clerk Room 222 Municipal Building (address)
Polling Districts 11-20	Office of the Court Clerk Court House (address)

AND TAKE NOTICE that the Revising Officer(s) may make additions or corrections to the lists upon application by telephone, by "fax", by mail or in person. Please telephone _________ between _____ a.m. and ______ p.m., ___day to ___day, August __ to August __, or send by fax to ___________, or by mail to ____________________, to be received before _____ p.m. on August __.

Dated at ________________, Nova Scotia, this ____ day of July, _____.

(print name)
Returning Officer

APPENDIX "C"

Advertisement #2

MUNICIPAL ELECTIONS

MUNICIPALITY/TOWN/REGIONAL MUNICIPALITY OF _______________

NOTICE

NOMINATIONS OPEN

TAKE NOTICE that the undersigned will accept nominations for the following offices in the Municipality of _______________ for which an election will be held on the ___ day of October, _____:

Mayor

Five Councillors elected at large
(or One Councillor for each of Polling Districts 1-20)

One Regional or District School Board District Member for the
electoral district comprising the Town of _______________
and Polling Districts _______ and _______ of the
Municipality of ______________

One African Nova Scotian Member of the Regional
or District School Board, for the entire school region

One Member of the *Conseil scolaire acadien provincial* for
the electoral district comprising the Town of _______________
and Polling Districts _______ and _______ of the
Municipality of ______________

AND TAKE NOTICE that a nomination shall be filed at the office of the Returning Officer, Room 222, Municipal Building, 1234 Main Street between 9:00 am and 5:00 pm on nomination day which is Monday, September ____, _____, or by appointment during the week immediately preceding nomination day.

[OR WHERE another person is the Returning Officer for the election of the district member of the regional or district school board, the African Nova Scotian member of the regional or district school board, or CSAP the following:]

APPENDIX "C"

[AND TAKE NOTICE that electors in Polling Districts _____ and _____ of the Municipality of __________________ will elect one person to be a district member of the ______________ regional or district school board for the electoral district comprising the Town of _____________ and Polling Districts __________ and __________ of the Municipality of ________________ and a nomination for that office shall be filed at the office of the Returning Officer (address) between 9:00 am and 5:00 pm on nomination day which is Monday, September ___, _____, or by appointment during the week immediately preceding nomination day.]

AND TAKE NOTICE that the electors in the school region served by the __________________ regional or district school board will elect one person to be the African Nova Scotian member of the regional or district school board, and a nomination for that office shall be filed at the Office of the Returning Officer, who is (name), (address) between 9:00 am and 5:00 pm on nomination day which is Monday, September ____, _____, or by appointment during the week immediately preceding nomination day.]

[AND FURTHER TAKE NOTICE that electors in the Municipalities of (insert names) will elect one person to be a Member of the *Conseil scolaire acadien provincial* and a nomination for that office shall be filed at the office of the Returning Officer (address) between 9:00 am and 5:00 pm on nomination day which is Monday, September ___, _____, or by appointment during the week immediately preceding nomination day.]

DATED at ___________________, Nova Scotia, this _____ day of September, _______.

(print name)
Returning Officer

APPENDIX "C"

Advertisement #3

MUNICIPAL ELECTIONS

MUNICIPALITY OF __________________

NOTICE

TAKE NOTICE that the following nominations have been received in respect of the municipal elections to be held in the Municipality of __________________ on Saturday, the _____ day of October, ______. electors may vote between 8:00 am and 7:00 pm at the locations listed below or, if they are qualified to do so, at the advance poll location(s) listed below:

Office	Candidate	Ordinary Polling Day Polling Places
Mayor	John Doe Mary Doe	In your Polling District
Councillor, Polling District #1	Megan Roe Richard Roe	Little Red School (all polling divisions)
Councillor, Polling District #2	Peter Platt declared by acclamation	Little Blue School (for mayor and school board only)
Councillor, Polling District #3	No nomination received. Special election will be announced	Little Yellow School (for mayor and school board only)
Councillor, Polling District #4	Ann Brown Charles Brown	Polls 1-20 Little Green School House Polls 21-40 Fire Hall
District Member of ________ Regional School Board	Carol Jones Thomas Jones	In your Polling District
African Nova Scotian Member ________ Regional School Board	Judith Smith Anthony Smith	In your Polling District
Member of *Conseil scolaire acadien provincial*	Alain Surette Helene Surette	In your Polling District

APPENDIX "C"

ADVANCE POLL

_____ day, _____
12:00 noon - 8:00 pm
Tuesday, October ___, _____
12:00 noon - 8:00 pm

Polling Districts 1 & 2 vote at: Little Red School
Polling Districts 3 & 4 vote at: Little Yellow School

An elector may vote at the advance poll who

(a) has a physical disability;

(b) is scheduled to be a patient in a hospital on ordinary polling day;

(c) objects by reason of religion or other reason of conscience to voting on ordinary polling day;

(d) expects to be required to be at his place of business or employment during the whole of the time fixed for voting on ordinary polling day;

(e) is a deputy returning officer, poll clerk or assistant returning officer;

(f) is an agent appointed by a candidate and who produces his duly completed appointment in form 13; or

(g) has reason to believe that he will be absent from the municipality during the whole of the time fixed for voting on ordinary polling.

AND TAKE NOTICE that a description of the boundaries of each polling district and polling division within a polling district in the municipality may be inspected at the municipal office (address) during regular office hours.

Dated at _________________, Nova Scotia, this _____ day of September, ______.

(print name)
Returning Officer

APPENDIX "C"

Advertisement #4

MUNICIPAL ELECTIONS

MUNICIPALITY/TOWN/REGIONAL MUNICIPALITY OF ______________

NOTICE TO ELECTORS WITH PHYSICAL DISABILITIES

TAKE NOTICE that the following polling stations are in premises permitting convenient access and an elector with a physical disability who wishes to do so may apply to the undermentioned Returning Officer for a transfer certificate permitting the elector to vote at an accessible poll instead of the polling station where the elector's name appears on the final list of electors.

Polling District/Polling Division		Location of Accessible Poll
#1	Polls 1-20	Little Red School
	Polls 21-40	Community Centre
#2	All Polls	Fire Hall
#3	All Polls	Court House

You may telephone the Returning Officer to determine whether your name is on the final list of electors and to make an appointment for the certificate to be issued. Transfer certificates may be issued at any time before 5:00 pm on Wednesday, October ___, _____.

Dated at __________________, Nova Scotia, this ___ day of September, _____.

(print name)
Returning Officer
(street address)
(telephone number)

APPENDIX "D"

FORM 23

SECTION 68

ATTENTION ELECTORS

Mark the ballot paper by placing an "X", a cross "+" or a check "✓" mark in the circular space on the ballot paper at the right of the name of the candidate (or names of the candidates if more than one are to be elected) for whom you intend to vote.

Election for Councillor
Vote for not more than two candidates.

John James JONES ○

Robert Simon SMITH ○

Sheila Elaine TURNER ○

Then fold and return to the Deputy Returning Officer.

A spoiled ballot may be exchanged for a new one.

Warning: It is an offence to mark the ballot paper so that you may be identified.

APPENDIX "E"

MUNICIPAL ELECTIONS ACT
SPECIAL ELECTION

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
55	54 Council sets date and approves list	53	52	51	50	49
48	47	46	45 Earliest date for 1st ad for nominations for Mayor (Could include revision notice)	44	43	42
41	40 Earliest Date for 1st ad nominations for council or school board (could include revision notice)	39	38	37	36	35
34	33	32	31 Latest date for 2nd ad for mayoralty nominations (could include revision notice); begin to receive nominations for Mayor by appointment	30	29	28
27	26 Latest Date for 2nd ad for nomination for council or school board; begin to receive nominations by appointment	25	24 Nomination day for Mayor	23	22	21

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
20	19 Nomination day for council or school board	18	17 Latest date to publish 1st ad for notice of poll and advance poll (Weekly)	16	15	14
13	12	11	10 Latest date for 2nd ad for notice of poll and advance poll (for Thursday advance Poll)	9 Possible Advance Poll	8 Latest date for 2nd ad for advance poll and notice of poll (for Sat. advance poll)	7 Possible Advance Poll
6	5	4 Advance Poll	3	2	1	0 Ordinary Polling Day
+1	+2	+3 Official Addition	+4	+5	+6	+7

Posting and revision and advertising of preliminary list of electors can occur any time between the date of council resolutions and the date of nomination. There need to be 2 ads about revision, but the dates for the ads are not specified.

APPENDIX "F"

LIST OF NURSING HOMES AND HOMES FOR THE AGED FOR WHICH SEPARATE POLLING STATIONS MUST BE ESTABLISHED

March 2000

CENTRAL REGION

Central Region includes all areas in the Halifax Regional Municipality, and West Hants.

Armview Estates, Ms. Carol Ann Gallant, Administrator
126 Purcell's Cove Road, Halifax, NS B3P 1B5
Telephone (902) 477-8051, Fax No.(902) 477-5726
No. of Beds - 255, Respite Beds - 0

Duncan MacMillan Home for the Aged, Ms. Sheila Martin, Site Manager
22639 # 7 Highway, PO Box 68
Sheet Harbour, Halifax Co., NS B0J 3B0
Telephone (902) 885-2545, Fax No.(902) 885-3289
No. of Beds - 25, Respite Beds - 1

Dykeland Lodge, Ms. Pat Fraser, Administrator
(Hants County Residence for Senior Citizens)
124 Cottage Street, Windsor, NS B0N 2T0
Telephone (902) 798-8346, Fax No.(902) 798-8312
No. of Beds - 110, Respite Beds - 1

Fairview Villa, Ms. Carol Ann Gallant, Administrator
245 Main Avenue, Halifax, NS B3M 1B7
Telephone (902) 443-1971, Fax No.(902) 443-9037
E-Mail: NSTN3060@box.NSTN.ca
No. Of Beds - 207, Respite Beds - 2

Glades Lodge, Ms Elsie Rolls, Administrator
25 Alton Drive, Halifax, NS B3N 1M1
Telephone (902) 477-1777, Fax No.(902) 477-8174
No. Of Beds - 123, Respite Beds - 1

Haliburton Place, Ms. Linda Muir, Site Manager
9 Payzant Drive, Windsor, NS B0N 2T0
Telephone (902) 792-2003 Fax No.(902) 798-6002
No. Of Beds - 30, Respite Beds - 2

Melville Lodge, Ms. Dorothy Redmond, Administrator
50 Shoreham Lane, Halifax, NS B3P 2R3
Telephone (902) 479-1030, Fax No.(902) 477-1663
No. Of Beds - 120, Respite Beds - 4

Musquodoboit Valley Home for Special Care (Braeside)
Ms. Diana Graham-Lentz, Site Manager
126 Higginsville Road, Middle Musquodoboit, Halifax Co., NS B0N 1X0
Telephone (902) 384-3007 Nurses Stn. or 384-2220 Admin. Fax No.(902) 384-3310
No. Of Beds - 28, Respite Beds - 1

Northwoodcare Incorporated, Mr. Lloyd O. Brown, Administrator
2615 Northwood Terrace, Halifax, NS B3K 3S5
Switchboard (902) 454-8311, Fax (902) 455-6408
Admissions (902) 454-3356, Fax (902) 453-1178
Administration (902) 454-3320, Confidential Fax (902) 454-3422; E-Mail:
admin@nwood.ns.ca
No. Of Beds - 538, Respite Beds - 10-20

Oakwood Terrace, Mr. Glenn Griffin, Administrator
10 Mount Hope Avenue, Dartmouth, NS B2Y 4K1
Telephone (902) 469-3702, Fax No.(902) 469-3824
No. Of Beds - 111, Respite Beds - 0

Ocean View Manor, Mr. Keith Menzies, Administrator
1909 Caldwell Road, PO Box 130, Eastern Passage, NS B3G 1M4
Telephone (902) 465-6020, Fax No.(902) 465-4929
No. Of Beds - 184, Respite Beds - 0

Saint Vincent's Guest Home, Ms. Kristin Schmitz, Administrator
2080 Windsor Street, Halifax, NS B3K 5B2
Telephone (902) 429-0550, Fax No.(902) 492-3703
No. Of Beds - 160, Respite Beds - 0

Scotia Nursing Homes Ltd., Ms. Patricia Bland, Interim Administrator
125 Knowles Crescent, Beaverbank, NS B4G 1E7
Telephone (902) 865-6364, Fax No.(902) 865-3582
E-Mail: lcarter@stevensgroup.ca (*Website: http://www.nsnet.org/scotiahomes*)
No. Of Beds - 45, Respite Beds - 1

The Birches, Ms. Glenda Thompson, Site Manager
#7702 #7 Highway, RR#2 Musquodoboit Harbour
Halifax County, NS B0J 2L0
Telephone (902) 889-3474, Fax No.(902) 889-2271
No. Of Beds - 40, Respite Beds - 2

Windsor Elms United Church Senior Citizens' Home
Reverend Ross MacDonald, Administrator
590 King Street, Windsor, NS B0N 2T0
Telephone (902) 798-2251, Fax No.(902) 798-0914 No. Of Beds - 116, Respite Beds - 1

EASTERN REGION

The Eastern Region includes all of Cape Breton Island, Guysborough County and Antigonish County.

Aite Curam
(Inverness Memorial Nursing Care Unit)
Ms. Clare MacQuarrie, Facility Manager
PO Box 610, Church Street, Inverness, NS B0E 1N0
Telephone (902) 258-2100, Fax No.(902) 258-3025
No. Of Beds - 11, Respite Beds - 0

Alderwood Rest Home, Ms. Marcella Roberts, Administrator
42 Jones Street, PO Box 218, Baddeck, NS B0E 1B0
Telephone (902) 295-2644, Fax No.(902) 295-1698
No. Of Beds - 70, Respite Beds - 0

Breton Bay Nursing Home, Ms. Ellen Stoddard, Administrator
70 St. Anthony Drive, Sydney, NS B1S 2R5
Telephone (902) 539-4560, Fax No.(902) 567-6234
No. Of Beds - 264, Respite Beds - 0

Canso Seaside Manor, Ms. Mary Jurcina-Taylor, Administrator
1748 Union Street, PO Box 70
Canso, Guysborough County, NS B0H 1H0
Telephone (902) 366-3030, Fax No.(902) 366-3093
E-Mail: csmanor@ns.sympatico.ca
No. Of Beds - 15, Respite Beds - 0

Foyer Pére Fiset, Ms. Betty Ann Aucoin, Administrator
15092 Cabot Trail, PO Box 219
Cheticamp, Inverness Co., NS B0E 1H0
Telephone (902) 224-2087, Fax No.(902) 224-1188
No. Of Beds - 60, Respite Beds - 0

Highland Manor, Ms. Donna Rideout, Administrator
175 New Haven Road, Box 48, Neil's Harbour, NS B0C 1N0
Telephone (902) 336-2895, Fax No.(902) 336-2895
No. Of Beds - 20, Respite Beds - 0

High-Crest Sherbrooke Home for Special Care
(Formerly: L. R. MacKaracher Nursing Home)
Ms. Marion Carroll, Administrator
PO Box 284, 53 Court Street
Sherbrooke, Guysborough County, NS B0J 3C0
Telephone (902) 522-2147, Fax No. (902) 522-2628
No. of Beds - 39, Respite Beds - 0

Inverary Manor, Ms. Joan MacLellan, Administrator
PO Box 460,72 Maple Street, Inverness, NS B0E 1N0
Telephone (902)258-2842, Fax No.(902)258-3865
No. Of Beds - 60, Respite Beds - 0

R. C. MacGillivray Guest Home Society, Mr. John Coffey, Administrator
25 Xavier Drive, Sydney, NS B1S 2R9
Telephone (902) 539-6110, Fax No.(902) 567-0437
No. Of Beds - 74, Respite Beds - 2

Maple Hill Manor, Ms. Catherine MacPhee, Administrator
700 King Street, New Waterford, NS B1H 3Z5
Telephone (902) 862-6495, Fax No.(902) 862-9294
No. Of Beds - 50, Respite Beds - 0

Milford Haven Corporation, Ms. Catherine Rhynold, A/Administrator
(Home for Special Care)
10558 Route # 16, PO Box 300, Guysborough, NS B0H 1N0
Telephone (902) 533-2828, Fax No.(902) 533-4024
No. Of Beds - 50, Respite Beds - 1

Miner's Memorial Manor, Mr. Harry Blinkhorn, Administrator
15 Lorne Street, Sydney Mines, NS B1V 3B9
Telephone (902) 736-1992, Fax No.(902) 736-0667
No. Of Beds - 35, Respite Beds - 2

New Waterford Level II, Ms. Sharon Sheppard, Director of Continuing Care
(New Waterford Consolidated Hospital)
716 King Street
New Waterford, NS B1H 3Z5
Telephone: (902) 862-6411, Fax No. (902) 862-8277
No. of Beds - 20, respite Beds - 1

Northside Community Guest Home, Ms. Lucy MacEachern, Administrator
11 Queen Street, North Sydney, NS B2A 1A2
Telephone (902) 794-4733, Fax No.(902) 794-9021
No. Of Beds - 90, Respite Beds - 0

Northside Level II, Ms. Sharon Sheppard, Director of Continuing Care
(Northside Harbor View Nursing Care Unit)
PO Box 399, 520 Purves Street, North Sydney, NS B2A 3M4
Telephone (902)794-8521, Fax No.(902)794-3355
No. Of Beds - 21, Respite Beds - 0

Port Hawkesbury Nursing Home, Ms. Peggy MacNeil, Administrator
2 MacQuarrie Drive, PO Box 2105, Port Hawkesbury, NS B0E 2V0
Telephone (902) 625-1460, Fax No.(902) 625-3232
No. Of Beds - 50, Respite Beds - 4

R. K. MacDonald Nursing Home, Ms. Lorna Crocker MacIntosh, Administrator
64 Pleasant Street, Antigonish, NS B2G 1W7
Telephone (902) 863-2578, Fax No.(902) 863-4437
No. Of Beds - 106, Respite Beds - 3

Richmond Villa, Ms. Frances Payne, Administrator
PO Box 250, 10052 Granville St., St. Peter's, NS B0E 3B0
Telephone (902) 535-3030, Fax No.(902) 535-2256
No. Of Beds - 75, Respite Beds - 0

Seaview Manor, Ms Catherine Power, Administrator
275 South Street, Glace Bay, NS B1A 1W6
Telephone (902) 849-7300, Fax No.(902) 849-7401
No. Of Beds - 101, Respite Beds - 2

St. Anne Community and Nursing Care Centre, Mr. Eric L. Burke, Administrator
PO Box Drawer 30, 2313 Main Street, Arichat, NS B0E 1A0
Telephone (902) 226-2826, Fax No.(902) 226-1529
E- Mail: SACENTRE@AURACOM.COM
No. Of Beds - 24, Respite Beds - 0

Taigh Na Mara Facility, Ms. Sharon Sheppard, Director of Continuing Care
(Glace Bay Healthcare Facility)
974 Main Street, Glace Bay, NS B1A 4L8
Telephone (902) 842-3900, Fax No. (902) 842-3926
No. of Beds - 24, Respite Beds - 0

The Cove Guest Home, Mr. Archie MacKeigan, Administrator
320 Alexandra Street, Sydney, NS B1S 2G1
Telephone (902) 539-5267, Fax No.(902) 539-7565
E-Mail: Cove@atcon.com
No. Of Beds - 108, Respite Beds - 2

Victoria Haven Nursing Home, Ms. Marie Long, Administrator
PO Box 219, 5 Third Street, Glace Bay, NS B1A 5V2
Telephone (902) 849-4127, Fax No.(902) 849-8826
No. Of Beds - 45, Respite Beds - 0

NORTHERN REGION

The Northern Region includes all areas in Cumberland, Colchester and Pictou Counties and East Hants.

Bayview Memorial Health Centre, Ms. Constance Ells, Site Manager
General Delivery, 3375 Highway 209
Advocate Harbour, Cumberland County, NS B0M 1A0
Telephone (902) 392-2859, Fax No.(902) 392-2625
No. Of Beds - 8, Respite Beds - 2

East Cumberland Lodge, Ms. Diane Reid, Administrator
262 Church Street, PO Box 250, Pugwash, NS B0K 1L0
Telephone (902) 243-2504, Fax No.(902) 243-3375
No. Of Beds - 65, Respite Beds - 0

Gables Lodge Limited, Ms. Kathleen (Kathy) Maltby, Administrator
260 Church Street, Amherst, NS B4H 3C9
Telephone (902) 667-3501, Fax No.(902) 667-3533
No. Of Beds - 95, Respite Beds 4

Glen Haven Manor, Mr. James W. Ferguson, Administrator
739 East River Road, New Glasgow, NS B2H 5E9
Telephone (902) 752-2588, Fax No.(902) 752-0053
No. Of Beds - 212, Respite Beds - 0

High-Crest Springhill Home For Special Care Ltd.
Ms. Millie Carr-Shrum, Administrator
PO Box 2170, 11 Sproul Street, Springhill, NS B0M 1X0
Telephone (902) 597-2797, Fax No.(902) 597-8339
No. Of Beds - 45, Respite Beds - 1

Hillcrest Manors Ltd., Ms. Kim Power, Administrator
12 Manor Drive, Truro, NS B2N 6T1
Telephone (902) 895-2891, Fax No.(902) 893-2361
E-Mail: powerk@istar.ca No. Of Beds - 119, Respite Beds - 0

Maritime Odd Fellows Home (IOOF), Ms. Janet Johnston, Administrator
143 Haliburton Road, PO Box 850, Pictou, NS B0K 1H0
Telephone (902) 485-5492, or 485-6868, Fax No.(902) 485-9233
No. of Beds - 44, Respite Beds - 3

Shiretown Nursing Home, Ms. Katherine (Kathy) V. Sullivan, Administrator
PO Box 250, 270 Haliburton Road, Pictou, NS B0K 1H0
Telephone (902) 485-4341, Fax No.(902) 485-9203
No. of Beds - 94, Respite Beds - 0

South Cumberland Community Care Centre, Ms. Connie Ells, Site Manager
PO Box 330, 50 Jenks Ave., Parrsboro, NS B0M 1S0
Telephone (902)254-2540, Fax No.(902)254-2504
No. Of Beds - 14, Respite Beds - 0

The Mira, Ms. Lynn Smith, Administrator
426 Young Street, RR#3 Truro, NS B2N 7B1
Telephone (902) 895-8715, Fax No.(902) 897-1903
No. Of Beds - 48, Respite Beds - 0

Valley View Villa, Mr. Norman Ferguson, Administrator
6125 Trafalgar Road, RR#1 Stellarton, NS B0K 1S0
Telephone (902) 755-5780, Fax No.(902) 755-3104
No. Of Beds - 109, Respite Beds - 4

Willow Lodge, Mr. Douglas Cunningham, Administrator
100 Blair Avenue, PO Box 249, Tatamagouche, NS B0K 1V0
Telephone (902) 657-3101, Fax No.(902) 657-3859
No. Of Beds - 51, Respite Beds - 0

WESTERN REGION

The Western Region includes all areas in Lunenburg, Queens, Shelburne, Yarmouth, Digby, Annapolis and Kings Counties.

Annapolis Royal Nursing Home Limited, Ms. Linda R. Bailey, Administrator
RR# 2, 9745 St. George Street, Annapolis Royal, NS B0S 1A0
Telephone (902) 532-2240, or 532-5460, Fax No.(902) 532-7151
No. Of Beds - 44, Respite Beds - 0

Evergreen Home For Special Care, Mr. Fred Houghton, Administrator
655 Park Street, Kentville, NS B4N 3V7
Telephone (902) 678-7355, Fax No.(902) 678-5996
E-Mail: evergren@glinx.com
No. Of Beds - 97, Respite Beds - 0, Children's Beds - 20

Grand View Manor, Mr. Graham Hardy, Administrator
110 Commercial Street, Berwick, Kings Co., NS B0P 1E0
Telephone (902) 538-3118, Fax No.(902) 538-3998
E-Mail: graham.hardy@ns.sympatico.ca
No. Of Beds - 118, Respite Beds - 0

Harbour View Haven, Mr. C. Edmund Pomeroy, Administrator
PO Box 1480, 25 Blockhouse Hill Road, Lunenburg, NS B0J 2C0
Telephone (902) 634-8836, Fax No.(902) 634-8792
No. Of Beds - 129, Respite Beds - 1

Hillside Pines, Ms. Sheila MacKinnon, Administrator
77 Exhibition Drive, Bridgewater, NS B4V 3K6
Telephone (902) 543-1525, Fax No.(902) 543-8083
No. Of Beds - 50, Respite Beds - 0

Mahone Nursing Home, Ms. Anne T. Kennedy, Administrator
PO Box 320, 640 Main Street, Mahone Bay, NS B0J 2E0
Telephone (902) 624-8341, Fax No.(902) 624-6338
No. Of Beds - 57, Respite Beds - 4

Mountain Lea Lodge, Mr. Larry Marsters, Administrator
RR# 1, 170 Church Street, Bridgetown, NS B0S 1C0
Telephone (902) 665-4489, Fax No.(902) 665-2900
No. Of Beds - 112, Respite Beds - 1

Nakile Home for the Aged, Ms. Bertha Brannen, Administrator
35 Nakile Drive, RR#1 Glenwood, Yarmouth Co., NS B0W 1W0
Telephone (902)643-2707, Fax No.(902)643-2862
No. Of Beds - 35, Respite Beds - 1

North Queens Nursing Home, Ms. Norma Lenco, Administrator
9565 Keji Drive, Caledonia, Queens County, NS B0T 1B0
Telephone (902) 682-2553, Fax No.(902) 682-2602
No. Of Beds - 42, Respite Beds - 2

Northhills Nursing Home Ltd., Mr. Len Tedds, Administrator
5038 Granville Rd.,Granville Ferry, PO Box 220
Annapolis Royal, NS B0S 1A0
Telephone (902) 532-5555, Fax No.(902) 532-7449
No. Of Beds - 48, Respite Beds - 1

Queens Manor, Ms. Norma Lenco, Administrator
PO Box 1283, 171 Hollands Drive, Liverpool, NS B0T 1K0
Telephone (902) 354-3451, Fax No.(902) 354-5383
No. Of Beds - 60, Respite Beds - 1

Rosedale Home for Special Care, Mr. Henry Saulnier, Administrator
Trunk 10, #4927, RR#2, New Germany, NS B0R 1E0
Telephone (902) 644-2008, Fax No.(902) 644-3260
E-Mail: henrys@ ns.sympatico.ca
No. Of Beds - 29, Respite Beds - 0

Roseway Manor Inc., Mr. Jamie MacDonald, Administrator
PO Box 518,1604 Lake Road, Sandy Point, Shelburne, NS B0T 1W0
Telephone (902) 875-4707, Fax No.(902) 875-4105
No. Of Beds - 65, Respite Beds - 1

Shoreham Village, Mr. Brian M. Selig, Administrator
RR#1 PO Box 380, 3777 North Street
(Highway # 3)Chester, NS B0J 1J0
Telephone (902) 275-5631, Fax No.(902) 275-2586
No. Of Beds - 83, Respite Beds - 1

Surf Lodge Community Continuing Care Centre,
Ms. Margaret (Maggie) Coates, Administrator
PO Box 160, 73 Howe Street, Lockeport, NS B0T 1L0
Telephone (902) 656-2014(Admin) 2015 (Nursing Stn.)Fax No.(902) 656-2026
No. Of Beds - 34, Respite Beds - 2

Tidal View Manor, Sandra Boudreau, Administrator
64 Vancouver Street, Yarmouth, NS B5A 2P5
Telephone (902) 742-3541 ext 290 or 602 Fax No.(902) 742-1427
No. Of Beds - 103, Respite Beds - 2

Tideview Terrace, Mr. Garry Burlingham, Administrator
PO Box 1120, Digby, NS B0V 1A0
Telephone (902) 245-4718, Fax No.(902) 245-6674
E-Mail: tideview@tartannet.ns.ca
No. Of Beds - 89, Respite Beds - 1

Villa Acadienne, Ms. Lucille Maillet, Administrator
PO Box 248, 8403 Highway # 1, Meteghan, NS B0W 2J0
Telephone (902) 645-2065, Fax No.(902) 645-3899
No. Of Beds - 84, Respite Beds - 2

Villa St. Joseph du Lac, Mr. Roy Smith, Administrator
PO Box 810, RR#1 Yarmouth County, NS B5A 4A5
Telephone (902) 742-7128, Fax No.(902) 749-1342
No. Of Beds - 79, Respite Beds - 0

Wolfville Nursing Home, Ms. Deanna J. MacDonald, Administrator
RR#2, 347 Main Street, Comp. C5, Site 11, Wolfville, NS B0P 1X0
Telephone (902) 542-2429, Fax No.(902) 542-1048
No. Of Beds - 66, Respite Beds - 0

APPENDIX "G"

Province of Nova Scotia)
County of)

IN THE PROVINCIAL COURT

IN THE MATTER OF: Sections 131 and 132 of the Municipal Elections Act,

R.S.N.S. 1989, c. 299;

IN THE MATTER OF: An application for a Recount Made By

____
(name of candidate)
a Candidate in a Municipal Election held in Polling

District (Ward) ______________________ in the
(number)

________________________________ held
(name of municipality)

on ________________________________ .
(date of election)

APPLICATION FOR DATE FOR RECOUNT

TAKE NOTICE that an application will be made by or on behalf of the above named candidate to the Judge of the Provincial Court sitting at the Court House

____ on __________________, the
(street address and community where court house is) (day of the week)

______________ day of______________, ______, at the hour of __________________ o'clock in the
(day) (month) (year)

____________ noon, or so soon thereafter as the application can be made for a time and place to be appointed to recount all ballots in the above noted municipal election, which time will be not more than thirty days after this application.

AND FURTHER TAKE NOTICE that you may be present or represented at the hearing of this application and may make submissions regarding the most convenient time and place for the recount, and if you are not present you will be further notified of the time and place for the recount.

AND FURTHER TAKE NOTICE that the applicant has caused the sum of $200.00 in the form of cash, a certified cheque or a money order to be deposited with the clerk of the court as security for costs of the recount.

APPENDIX "G"

DATED at ______________ (place), Nova Scotia, this ________ (day) day of __________ (month), ______ (year).

____
Candidate or Solicitor for Candidate
(street and mailing address)

TO: Clerk of ___________________________ (name of municipal unit)
Returning Officer (if the Clerk is not the Returning Officer)
Other Candidates: _________________________
____

APPENDIX "G"

Province of Nova Scotia)
County of)

IN THE PROVINCIAL COURT

IN THE MATTER OF: Sections 131 and 132 of the Municipal Elections Act,

R.S.N.S. 1989, c. 299;

IN THE MATTER OF: An application for a Recount Made By

____
(name of candidate)

a Candidate in a Municipal Election held in Polling

District (Ward) ____________ in the
(number)

______________________________ held
(name of municipality)

on ______________________________ .
(date of election)

ORDER

UPON APPLICATION by the above noted candidate;

AND UPON HEARING all persons wishing to be heard in respect of the application for the appointment of the time and place for a recount in the above noted municipal election;

IT IS HEREBY ORDERED that the above noted recount shall take place at

____(full address and room number where applicable)

on ______________ (day of the week), the ________ (day) day of ____________ (month), __________ (year), at the hour of

__________ o'clock in the ____________ noon, or so soon thereafter as the recount can commence.

IT IS FURTHER ORDERED that the following persons shall be notified of the time and place of the recount by personal service on each of them of a copy of this Order. The persons to be served are:

APPENDIX "G"

______________________________, Municipal Clerk
name

______________________________, Returning Officer
name (delete if Municipal Clerk was Returning Officer)

______________________________, Candidate
name

______________________________, Candidate
name

______________________________, Candidate
name

GIVEN under my hand this __________ day of __________, ______ .
(day) (month) (year)

____
A Judge of the Provincial Court

APPENDIX "H"

COUNCIL OPTIONS UNDER THE MUNICIPAL ELECTIONS ACT

1. Under the terms of the *Municipal Elections Act*, a Council may

(a) reduce or eliminate the $200 deposit for candidates, by by-law subject to the approval of the Minister of Housing and Municipal Affairs [S.51]. The deposit has two purposes, namely, to test the seriousness of a candidate and to ensure the removal of election advertising (See #5 below). If Council does not act, then the $200 deposit will apply;

(b) appoint an assistant returning officer to assist the returning officer and act in his or her absence;

(c) appoint a registrar of voters (on the recommendation of the returning officer), by resolution [S.22]. The registrar of voters, whose function is to assist the returning officer in overseeing the conduct of the enumeration and the preparation of the lists of electors, is an optional election officer whose functions would otherwise be performed by the returning officer;

(d) choose, before July 1, to use federal or provincial or municipal lists of electors in place of enumeration, if used for an election in the twelve months before ordinary polling day and if permitted to do so by the government that produced the list, by resolution [S.30]. (Note, ss.30(1A) permits the use of the 1999 provincial list in the 2000 municipal elections even though it will be more than twelve months old.) Where a special election is to be held, the Council may by resolution provide that the Returning Officer use the lists of electors prepared in the most recent federal or provincial election, if permitted to do so by the government that produced the list, or in an election held pursuant to the Municipal Elections Act;

(e) fix a day for the first advance polling day to be either the Saturday preceding ordinary polling day or the second Thursday before the ordinary polling day;

(f) establish a tariff of fees and expenses for election officers, together with a system for rendering and verifying accounts, by resolution [S.139]. The tariff of fees and expenses must be prescribed, but Council has complete freedom as to its contents (see sample in Appendix "I").

APPENDIX "H"

(g) call a special election (by-election) by resolution, to fill a vacancy that occurs within seven to eight months before ordinary polling day in a regular election year (the Act specifies that no special election is to be held within six months, and since the election is held at least five to ten weeks after the vacancy occurs, the extended timing results), by resolution [S.13(6)].

2. A regional municipality's Council may by-law opt for the conflict of interest provisions under Section 19 of the Act.

3. To be effective for an election, a by-law respecting the deposit must be approved by the Minister of Housing and Municipal Affairs before nomination day, the second last Monday in September. It is advisable to allow at least two weeks for departmental processing and ministerial approval.

4. Where there is a deposit in effect, it must be the same for all candidates, whether for mayor, councillor, or school board member.

5. The whole deposit will be returned to candidates polling half the votes polled by the successful candidate. Where more than one person is elected, this would be half the votes of the successful candidate receiving the least number of votes. Other candidates will receive half of their deposits back. No part of a deposit may be returned if the candidate does not remove his election advertising within seven days after ordinary polling day.

6. Should Council choose to reduce or eliminate the deposit a sample by-law to that effect follows. (Note that Council may adopt either version of paragraph 2, but not both.)

MODEL BY-LAW

RE: DEPOSIT BY CANDIDATES AT AN ELECTION

(*Municipal Elections Act*, Section 51)

BE IT RESOLVED by the Council ________________________ that the following by-law is hereby enacted, and that the Clerk forward two copies of it to the Minister of Housing and Municipal Affairs for his approval.

APPENDIX "H"

By-Law Respecting Deposits by Candidates at an Election

1. This by-law shall be known as the Election Deposit By-Law.

EITHER

2. Every nomination paper filed by or on behalf of a candidate in any election held under the Municipal Elections Act shall be accompanied by a deposit of ________________ dollars.

OR

2. No deposit is required to accompany any nomination paper filed by or on behalf of any candidate in any election held under the Municipal Elections Act.

THIS IS TO CERTIFY that the foregoing is a true copy of a by-law duly passed at duly called meeting of the Council of the
________________________of________________________
duly held on ______________________ day of
______________________. Dated this ______________ day
of _________________________, __ ______.

....
CLERK

APPENDIX "I"

A MODEL
TARIFF OF FEES AND EXPENSES
MADE PURSUANT TO SECTION 139
OF
THE MUNICIPAL ELECTIONS ACT

RETURNING OFFICER

1. For all services and expenses in connection with an election, an allowance of

____________________ .

OR

1. (a) For all services and expenses in connection with the municipal election, an allowance of ____________________ .

(b) For all additional services and expenses in connection with the regional or district school board district member election/African Nova Scotian member of the regional or district school board election/CSAP election, an allowance of

____________________ .

RENTAL OF OFFICE SPACE

2. Where the returning officer does not have premises provided by the municipal unit, the following tariff applies:

(a) For use as headquarters, the amount actually and reasonably paid, supported by vouchers,

OR

(b) For use by the Returning Officer of his residence as headquarters, an allowance of

____

(c) For use by the Returning Officer of his business premises as headquarters an allowance of ____________________________

3. For stationery, postage, telegrams, election supplies, ballot boxes, rental of typewriters, adding machines and office furniture, installation of telephones and service, long distance charges, cartage of election supplies, rental of a meeting hall or temporary office, and other incidental outlays necessary in conducting an election, the amount actually and reasonably spent, supported by vouchers.

4. For the services of typists and clerical assistants, including services for the tabulation of election results, an allowance of ______________________________ times the number of names on the official list of electors.

5. For addressing envelopes for mailing lists of electors, an allowance of ___________________ for each name on the official list of electors.

6. For expenses incurred in the cleaning of ballot boxes before their return to the custodians, for each box an allowance of ____________________________.

REGISTRAR OF VOTERS

7. For all services and expenses in connection with an election, an allowance of _________________________.

ASSISTANT RETURNING OFFICER

8. For assisting returning officer, for all services and expenses in connection with an election and for acting in the absence of the returning officer, an allowance of _________________________________ .

OR

8. (a) For assisting returning officer, for all services and expenses in connection with the municipal election and for acting in the absence of the returning officer, an allowance of ___________________ .

   (b) For assisting returning officer, for all additional services and expenses in connection with the regional or district school board district member election/African Nova Scotian member of the regional or district school board election/CSAP election and for acting in the absence of the returning officer, an allowance of _________________ .

ENUMERATORS

9. For services and expenses required in the enumeration of electors, the sum of ____________

plus ___________________ for the name of each elector properly Included in the Enumerator's Index Sheets.

REVISING OFFICER

10. For all services performed in connection with the revision of names, a daily allowance of ______________________ .

DEPUTY RETURNING OFFICERS

11. (a) For all services and expenses in connection with an election, a daily allowance of

_________________________________ .

(b) For standby service as a substitute, a daily allowance

of___________________________ .

POLL CLERKS

12. (a) For all services and expenses in connection with an election, a daily allowance

of______________________________ .

(b) For standby service as a substitute, a daily allowance

of___________________________ .

CONSTABLES

13. For all services at ordinary polls, at advance polls and at the revisal office the hourly wage of

__________________ times the number of hours.

TRAVEL ALLOWANCE

14. A returning officer, assistant returning officer, and revising officer, and revision clerk are authorized to be paid

a travel allowance in connection with the conduct of an election as follows:

(a) for distance actually travelled by private car, supported by an itemized statement, the rate from time to time paid to employees of the municipality.

(b) for travel by other means of transportation the expenses necessarily and reasonably incurred, supported by vouchers.

(c) actual and reasonable living expenses, supported by vouchers.

PRINTING CLAIMS

15. (a) For the printing, numbering and binding or stitching of ballot papers, the actual cost incurred, supported by vouchers.

(b) For the printing of election lists, the actual cost, supported by vouchers.

RECOUNTS OR CONTROVERTED ELECTIONS

16. For required attendance by the returning officer at a recount or a court application regarding a controverted election, a daily allowance of ________________________ .

APPENDIX "J"

CAMPAIGN CONTRIBUTIONS DISCLOSURE

SECTIONS 49A AND 49B

Recent amendments to the *Municipal Elections Act* require that all candidates for council and school board disclose contributions to their election campaigns which exceed $50.00.

WHY DO CONTRIBUTIONS HAVE TO BE DISCLOSED?

Disclosure of contributions is done in provincial and federal campaigns in most parts of Canada. Disclosure is seen as an important tool in building public confidence in the election process. Allowing the public to know who contributes to a candidate's campaign means that it is less likely that a candidate will be secretly acting to further the interests of a particular person or group of people.

THE OFFICIAL AGENT

An "official agent" is the individual whose responsibility it is under the *Municipal Elections Act* to accept and record contributions. All candidates must have an official agent. However, *a candidate can act as his or her own official agent.*

If there is an association which is formed to promote the election of a particular candidate, then it *must* appoint an official agent and is subject to the disclosure requirements. Bear in mind that under the legislation, the "association" is any group of one or more people with the goal of election of a particular candidate. This group usually takes the form of the "Committee to elect [candidate "X"]."

There are no particular qualifications to be an official agent, but the candidate should select someone responsible, who will be able to keep track of the funds donated and make the necessary reports.

WHEN IS AN OFFICIAL AGENT APPOINTED?

One of the more difficult things to pinpoint is when a person actually becomes a candidate. Section 2(1)(b) of the *Municipal Elections Act* states the following definition:

> "candidate"
>
> (i) before the close of nominations on nomination day means a person who is declared, by himself, or by others with his consent, to be a candidate, and

(ii) after the close of nominations on nomination day means a person who has been nominated as a candidate".

Since nomination cannot actually occur until 3 weeks before election day, many candidates will be actively campaigning before that time. They may be putting up signs, canvassing neighbours, or taking out advertisements. The simple rule of thumb, then, is that a candidate must be aware that **as soon as he or she begins to take donations or spend money on the campaign, an official agent must be in place.**

The appointment of agent would take place no later than the close of nominations on nomination day.

HOW IS AN OFFICIAL AGENT APPOINTED?

Form 17 from the *Municipal Elections Act* (attached) is used to make the appointment.

A candidate who has chosen to act as his or her own official agent should file a written declaration indicating that he or she is acting as official agent. Even if this decision is made initially, the candidate can name another to act as his or her own official agent before the close of nominations on nomination day. If no declaration is filed, then the candidate is deemed to be acting as his or her own official agent.

An individual acting on behalf of an association would file a letter naming the official agent, or the official agent could file the document indicating that he or she is acting as official agent of the association. The agent's name and address must be indicated. The association should also indicate its name and an address where communications could be directed.

All declarations are filed with the clerk of the municipality or the secretary of the school board, depending on the office being sought.

APPENDIX "J"

CONTRIBUTIONS

Section 49A(1)(c) defines "contributions" as

> "services, money, or other property donated to an association or a person to support the political purposes of an association or candidate, but does not include personal services or the use of a vehicle volunteered by a person and not provided as part of that person's work in the service of an employer".

Contributions can therefore be of three types:

"Services" donated to a campaign are valued at the normal charge that they would attract in the marketplace. **Note that there are two exceptions:** ***a person can donate his or her personal services or the use of a personal vehicle, as long as the donation is not given as part of the person's employment.***

Some examples might be useful. A "service" that might be donated during an election campaign is the design of a brochure by a graphic designer. The designer might be donating his services as part of his work in the service of an employer, such as a printer, in which case the service is a contribution, and the normal cost of the service would show as the amount of the contribution. If, on the other hand, the designer did the brochure on his own, without regard to his employment, then the contribution would be a "personal service", and not have to be disclosed.

Another type of service typically used is that of campaign workers. Individuals may answer the telephone in a headquarters, for example. This type of work is also "personal service", and does not need to be disclosed.

The exception for the donation of a personal vehicle as a contribution means that the official agent does not have to disclose the contribution of individuals who undertake to drive persons to the polls on election day.

"Money" donated to a candidate clearly has to be disclosed, if the cumulative amount of the donation exceeds $50.00.

APPENDIX "J"

"Other property" donated to a candidate would have to be valued at its current market value. An example might be the use of a photocopier, or the donation of space for a campaign headquarters. If there was a social event to meet the candidate, and if volunteers made sandwiches for it, then the cost of the food would show as a donation, but not the time spent by the volunteers in preparing the sandwiches.

There is a special rule for the valuing of goods and services donated for sale or auction. Section 49A(10) of the *Municipal Elections Act* states that the value to be recorded is the dollar value that was actually paid at the sale or auction, regardless of what the commercial value might be. For example, a local artisan might donate a piece of artwork which would normally sell at retail for $100. If the candidate held a fund-raising auction, and someone paid $200 for it, then the contribution would be recorded as $200, and the artisan would be recorded as the donor.

ONLY THE OFFICIAL AGENT CAN ACCEPT CONTRIBUTIONS! (Section 49A(3) of the *Municipal Elections Act).*

RESTRICTIONS ON CONTRIBUTIONS

There are two legislated restrictions on contributions: Section 49A(7) of the *Municipal Elections Act* states that

> "No person shall contribute to any association or candidate funds not beneficially belonging to the person or funds that have been given or furnished to that person by another person for the purpose of contributing those funds unless the person to whom the funds beneficially belong is identified as the contributor or unless the person contributing the funds is the spouse of the person to whom the funds beneficially belong."

Section 49A(9) states that

> "Where a trust or fund is established to further the goals of a candidate or association and the trust or fund is not controlled by an association or candidate, the names of the contributors to the trust or fund shall be disclosed when a transfer is made from the trust or fund to either an association or candidate."

APPENDIX "J"

RECORD-KEEPING BY THE OFFICIAL AGENT

Because of the necessity for disclosure, all contributions for a candidate must be made to the official agent of the candidate. Remember that a candidate can act as his or her own official agent, however.

The following are the requirements for accepting and recording contributions:

1. **Contributions are made to the official agent only.**

2. **All contributions to a candidate shall be deposited in a separate account and dealt with separately from a candidate's personal funds. This is especially important to remember if a candidate is acting as his or her own agent.**

3. **The official agent must record the full name and residential or business address of the donor, other than a post-office box, unless that is the only address available, of each contributor, together with the amount of the contribution.** Even though only contributions in excess of $50.00 need to be disclosed, remember that the contributions can be cumulative. For example, a donor might give $25.00 at one time, and then another amount later on. If the donor gives a second amount of which exceeds $25.00, then the contributions become reportable, even if they do not individually exceed $50.00. No anonymous contributions can be accepted. If an anonymous contribution cannot be returned it must be remitted to the treasurer of the municipality or school board.

   Remember, although every contribution should be recorded, it is not likely that they are all going to have to be disclosed.

4. **No anonymous contributions can be accepted.** If the anonymous contribution cannot be returned to the donor, then the official agent should remit it to the treasurer of the municipality or school board.

5. **A trust fund can be established to further the goals of a candidate or association, but if any funds are transferred to the candidate or association, then the names of all the donors to the fund must be disclosed.**

APPENDIX "J"

FILING OF THE DISCLOSURE STATEMENT

Within 60 days after regular polling day in an election (either a general election or a special election) the official agent must file a disclosure statement with the clerk of the municipality or the secretary of the school board, as the case may be. The Disclosure Statement is in Form 40 for candidates and Form 41 for associations and contains the details of the donations (attached). It must contain the full name and residential or business address of each contributor whose contributions exceed $50.00 since the last election and the total contributions by each named contributor.

The reporting period goes from election to election. In other words, for the election in 2000, the candidate's agent would have to report all contributions received since these amendments came into force, on April 1, 1999. If a contribution is received after the election in 2000, then it should be reported in the next election in 2004 or the next special election for that office, if a special election is necessary. If a special election is held for an office, then contributions received by a candidate for that office at a future election would be contributions received after the special election.

There may be situations where candidates "test the waters" for a try at a council or school board seat, and then ultimately decide not to file papers. In that case, it is not required that they file a disclosure statement.

The Disclosure Statement can be examined at the offices of the municipality or school board, and copies are available for the cost of copying.

APPENDIX "J"

FORM 17

SECTION 70

APPOINTMENT OF OFFICIAL AGENT

I, the undersigned, a candidate for the office of____________________________, (place a check mark next to the applicable statement)

_____ appoint ____________________of____________________as my official agent with
(name) *(address)*
authority to represent me in the manner provided by the *Municipal Elections Act* at the election being held on_________________________, _______.

OR

_____ declare that I will act personally as official agent in the manner provided by the *Municipal Elections Act* at the election being held on_________________________, _______.

OATH OR AFFIRMATION OF OFFICIAL AGENT

I, the undersigned, appointed by the foregoing candidate to be his/her official agent at the election to be held in the Town/Municipality/Regional Municipality of ____on the_______________day of________________, _____, swear (or solemnly affirm) that I will not attempt in any way unlawfully to ascertain the candidate or candidates for whom a voter has voted and will not in any way aid in the unlawful discovery of the same, and that I will keep secret all knowledge which may come to me of the candidates for whom any voter has voted.

Sworn (or affirmed) at_________________

in the County of______________________

this__________day of_________________,

______, before me

____
See Section 146

____
Official Agent

____
Signature of Candidate

(A translation of this form is available in French.)

APPENDIX "J"

FORM 40

SECTIONS 49A and 49B

CANDIDATE'S CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

Name of Candidate:

Name of Agent:

Municipality/School Region:

Date of Election:

List of Contributors (see note below):

Contributor	Address	Contributions

Note: Insert full name of contributor and residential or business address. Use street address, not postal address. Contributions must be shown for every contributor whose contributions totalled more than $50.00 since April 1, 1999 or since the most recent election, whichever is the shorter period.

I, , a candidate in the municipal/school board/CSAP election on (date), certify that the foregoing statement of disclosure is a true and complete disclosure of all contributions made to me and to my official agent as required by Sections 49A and 49B of the *Municipal Elections Act*.

Candidate

(to be filed within 60 days after regular polling day with the clerk of the municipality/secretary of school board)

APPENDIX "J"

FORM 41

SECTIONS 49A and 49B

ASSOCIATION'S CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

Name of Association:

Name of Agent:

Name of Candidate Supported:

Municipality/School Region:

Date of Election:

List of Contributors (see note below):

Contributor	Address	Contributions

Note: Insert full name of contributor and residential or business address. Use street address, not postal address. Contributions must be shown for every contributor whose contributions totalled more than $50.00 since April 1, 1999 or since the most recent election, whichever is the shorter period.

I, , the appointed agent of (name of association) in the municipal/school board/CSAP election on (date) certify that the foregoing statement of disclosure is a true and complete disclosure of all contributions made to me as agent of the said association as required by Sections 49A and 49B of the *Municipal Elections Act*.

Agent of Association

(to be filed within 60 days after regular polling day with the clerk of the municipality/secretary of school board)